

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
APPENDIX**

Nos. 77-1136, 77-1137.

To be argued by: MARTIN G. WEINBERG.

United States Court of Appeals for the Second Circuit.

UNITED STATES OF AMERICA,
APPELLEE,

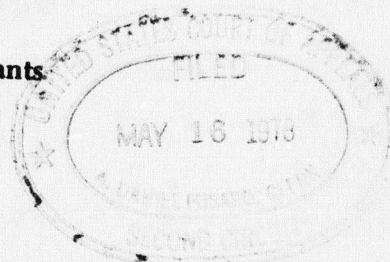
v.

KEVIN T. COONEY AND
HAROLD J. LEVY,
APPELLANTS.

ON APPEAL FROM JUDGMENTS OF THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF NEW YORK.

Appendix to Brief for Defendants-Appellants
Kevin T. Cooney and Harold J. Levy.

Volume I.
Pages 1-303.



MARTIN G. WEINBERG,
OTERI & WEINBERG,
Ten Post Office Square,
Boston, Massachusetts 02109.
(617) 227-3700

Of Counsel:
JEANNE BAKER,
ROSENBERG, BAKER & FINE,
133 Mt. Auburn Street,
Cambridge, Massachusetts 02138.
(617) 354-2937

On the Brief:
STEPHANIE CLEVERDON.

BATEMAN & SLADE, INC.

BOSTON, MASSACHUSETTS.

PAGINATION AS IN ORIGINAL COPY

TABLE OF CONTENTS

	<u>Page</u>
Cooney Docket Sheets	1
Levy Docket Sheets	4
Indictment	7
Grand Jury Testimony of Paul Moskowitz	14
Grand Jury Testimony of Andrew Blossy	93
Grand Jury Testimony of Margaret C. Beucher	132
Transcript of Trial	
Bench Discussion	198
Jury Voir Dire	210
Opening Statement of Government	215
Testimony of:	
Robert Roth, Direct	218
Bench Conference	228
Testimony of:	
Marc Cohen, Direct	231
William Katz, Direct	248
William Katz, Cross	283
Bench Discussion	288
Discussion (no jury)	292
Testimony of:	
Paul Cammusa, Direct	293
Paul Cammusa, Cross	298
Paul Cammusa, Recross	303

	<u>Page</u>
Paul Moscovitz, Direct	304
Paul Moscovitz, Cross	328
Paul Moscovitz, Redirect	371a
Paul Moscovitz, Recross	372
Bench Conference	377
Testimony cf:	
Robert Tripeer, Direct	422
Robert Tripeer, Cross	433
Michael Hauser, Direct	448
Michael Hauser, Cross	458
Charles Ring, Direct	469
Charles Ring, Recross	477
James Montagne, Direct	479
Bench Conference	490
Stipulation	491a
Transcript of Cooney-Moscovitz Phone Conversation	491c
Closing Statement of Government	492
Charge to Jury	496
Jury Deliberations	499
Jury Poll	536
Defendants' Memorandum of Law in support of Fourth Amendment motion to suppress	560
Defendants' Trial Exhibit ("D" for identification): DEA Report	570
Court's Trial Exhibit: Juror Chow's Notes	576
Notice of Motion and Annexed Affidavit submitted by defendants Cooney and Levy for a new trial and evidentiary hearing	582

	<u>Page</u>
Notice of Motion and Annexed Affidavit submit by defendant Kay for a new trial and evidentiary hearing	587
Memorandum-Decision and Order on motions for new trial and evidentiary hearing	598
Cooney Judgment	612
Levy Judgment	613

COURT - CRIMINAL DOCKET
Assigned Trial
U.S. vs. **COONEY, KEVIN T.**
Magistrate
206 6
District Office
U.S. CODE SECTION
T21USC66 846 & 841 (a)(1)
U.S. Attorney or Asst.
William J. Dreyer, Asst.
OFFENSES
Conspiracy to distribute and distribution of controlled substance
COUNTS
10
MAGN. CASE NO.
10
BAIL - RELEASE
☐ Denied
☐ Personal Recog.
☐ Unsecured Bond
☐ Conditional Release
Set (000)
\$50
☐ 10% Deposit
☐ Surety Bond
☐ Collateral
☐ 3rd Party
☐ Custody
☐ PSA
Defense - CJA - Pre - Waived - Self - None - Other - PO - LCO
Vincent P. Nicolosi
ARREST
☐ U.S. Custody
☐ High Risk
☐ Data Design'd
INDICTMENT
Information
2/4/76
Waived
☐ Superseding
☐ Indict/Info
ARRAIGNMENT
3/15
1st Plea
Plea
TRIAL
Trial Set For
12/1/76
Vair Dire
12/1/76
Trial Began
12/1/76
Trial Ended
Disposition
☐ Convicted
☐ Acquitted
☐ Dismissed
☐ Nailed/Discontinued
SENTENCE
1/22/77
Outcome
☐ Dismissed
☐ Held for District CJ
☐ Held to Answer to U.S. District Court
AT:
Magistrate's Initials
V. Excludable Delay
(a) (b) (c) (d)
DATE
1976
Feb. 4. Filed Indictment. Bench Warrant to any U. S. Marshal, etc. is ordered on motion of Wm. Dreyer. Bail fixed at \$50,000. Gov't. moves that Indictment be sealed. So ordered.
Feb. 20 Filed Letter ordering Indictment unsealed.
Feb. 24 Filed U.S. Atty. letter, approved by Judge Foley modifying bail.
Mar. 15 Deft. is arraigned and pleads not guilty. Thirty days to file motions. Continued on bail.
May 5 Ready
9/3/76 Filed Notice of Motion for Continuance returnable 9/13/76
9/13/76 Motion for continuance granted.
9/16/76 Filed Order of Judge Port granting continuance in the interest of justice from 9/3/76 to the first day of trial in Nov. at Albany
11/30/76 Filed Memorandum of Points & Authorities, and Voir Dire Examination.
12/1/76 Trial. Jury panel absent from courtroom. Defts. move for an application for presentence reports of other defts./who have previously pled. Decision reserved. Defts. move for an application for inspection of Grand Jury minutes

OF APPEALS

	IV. PROCEEDINGS (continued)	V. EXCLUDABLE DELAY				L C S T R I C T I O N
		(a)	(b)	(c)	(d)	
12/1/76	in re a witness. Decision reserved. The Gov't. moves for the dismissal of Counts 2 thru 10 of the Indictment-granted. Jury drawn and sworn. Two alternate jurors drawn and sworn.					A
12/2/76	Filed Order for Writ of Habeas Corpus as Testificandum for Paul Moskowitz, to be brought to Albany 12/2/76 Writ Issued.					B
12/2/76	Trial Continued- Witnesses for plaintiff-Robert Roth					C
12/3/76	Trial Continued. Jury absent from courtroom. Mr. Ryan moves for application to inspect presentence reports of defts. who will be called as witnesses-denied. Defts. renew application for inspection of Grand Jury testimony of Margaret Buecher-decision reserved. Trial continued.					D
12/7/76	Trial continued.					E
12/9/76	Trial continued.					F
12/10/76	Trial continued.					G
12/14/76	Trial continued. In chambers Mr. Ryan moves for service of subpoena on behalf of deft. Kay upon Albany County probation Dept., etc., - Application denied. Jury absent-defense moves for an application for a suppression hearing in re: search & seizure-denied. Defense moves for severance in re defts. Kay & Lefebvre, or, if denied, for a mistrial - both denied.					H
12/15/76	Filed ex. Writ of Habeas Corpus for Paul Moskowitz.					I
12/15/76	Trial Continued. Jury absent-Mr. Ryan moves for application to preclude testimony of M. Hauser, Mr. Leone joins-denied. Jury present. witnesses. Jury absent. Mr. Lebetkin moves for application to strike certain testimony of witnesses-denied. Stipulations agreed upon.					J
12/16/76	Trial continued.					K
12/20/76	Trial continued. Plaintiff files 2 requests to charge. Deft. file 8 requests to be charged. Judge Foley reserves decision at this time for requests Nos. 4 and 6.					L
12/21/76	Judge Foley rules on requests to charge No. 4- certain paragraphs refused as too detailed. Remainder will be charged. Charge No. 6 - refused. Attys. sum up.					M
12/22/76	Trial continues- Judge Foley charges jury. Court exhibits 3,4,5,6,7,9 filed. Jury comes into Courtroom find each deft. guilty. Jury polled. Unanimous verdict is rendered by each juror in re each deft. Notes of Juror # 1, Mr. Chow, directed by the Court to be filed as Court exhibit # 10. Mr. Dreyer moves for deferment of sentencing for review of pre-sentence investigation. Mr. Ryan, Lombardino, Lebetkin and Leone move to set aside verdict for reasons stated-denied.					N
12/14/76	Filed sealed envelope signed by Judge Foley 12/14/76					O
12/22/76	Filed Sealed Court exhibit.					P
1977						Q
1/3/77	Filed Copy of Letter to Judge Foley from Attorneys for defendants re: Extension of Time for Motions to Set aside Verdict.					R

(a) Interval (per Section 11)
 (b) Start Date
 (c) End Date
 (d) Ltr. Total Code 011

DISTRICT COURT
U. S. vs

COONEY, KEVIN T.

76

12

Yr.

Docket No.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE D		
		(a)	(b)	(c)
1977	(Document No.)			
Jan. 5	Filed Notice of Motion returnable January 17, 1977 at 10:00 A.M. in Albany.			
Jan. 5	Filed Memorandum of Law of Defendants in support of their motion pursuant to Rule 33 of the Federal Rules of Criminal Procedure to set aside the verdict of the jury against them and for a new trial and for a full evidentiary hearing.			
Jan. 13	Filed executed Writ.			
Jan. 17	Motion for an Order to set aside the guilty verdict and for a new trial and for a full evidentiary hearing - Dec. reserved.			
Jan. 24	Filed transcript of proceedings held 12/2/76 and transcript of proceedings held 12/22/76.			
Feb. 15	Filed Memo-Dec. & Order of Judge Foley denying & dismissing motions for a new trial.			
Feb. 22	The Court advised the defendant of his right to speak in his own behalf, defendant spoke, his attorney spoke. The defendant is sentenced to the custody of the Attorney General for a period of eighteen months with a special parole term of two years on Count one. Execution of sentence is stayed pending filing Notice of Appeal. Bail continued pending appeal.			
Feb. 23	Filed Notice of Appeal.			
Feb. 23	Filed Judgment signed by Judge Foley on February 23, 1977.			
March 21	Filed Notice of Appearance of Atty. Martin G. Weinberg as Attorney for deft. for purposes of appeal.			
April 7	Filed Copy of Scheduling Order for Appeal.			

Interval Start

A4

CRIMINAL DOCKET

U.S. vs. **LEVY, JR., HAROLD J.**

Case File No. **4276**

Day Mo. Yr. **4 2 76**

Defendant **closed**

Counts **10**

MAGN. CASE NO. **10**

U.S. CODE SECTION **18 USC 846 & 841 (a)(1)**

OFFENSES **Conspiracy to distribute and distribution of controlled substance**

U.S. Attorney or Asst. **William J. Dreyer, Asst.**

Defense **CIA, Ret. Waived, Sel. Other**

Melvin M. Lebetkin

ARREST ☐ U.S. Custody Began on Above Charges

INDICTMENT ☒ Information **2/4/76**

ARRAIGNMENT **3/15** 1st Plea **3/15** Final Plea

TRIAL ☐ Voir Dire **12/1/76** Trial Began **2/1/76** Trial Ended

SENTENCE **2/2/77**

Disposition ☐ Convicted ☐ Acquitted ☐ Dismissed ☐ Nolle Prosequi

OUTCOME ☐ Dismissed ☐ Held for District Ct. ☐ Held to Answer to U.S. District Court

AT: **Magistrate's Initials**

SEARCH WARRANT ☐ Issued ☐ Return

SUMMONS ☐ Issued ☐ Served

ARREST WARRANT ☐ Issued ☐ Served

COMPLAINT ☐ OFFENSES (in Complaint)

Show last names and suffix numbers of other defendants on same indictment/information

PROCEEDINGS

DATE	ENTRY
1976	
Feb. 4	Filed Indictment. Bench Warrant to any U. S. Marshal, etc. is ordered on motion of Wm. Dreyer. Bail fixed at \$50,000. Govt. moves that Indictment be sealed. So ordered.
Feb. 20	Filed letter ordering Indictment unsealed.
Feb. 24	Filed letter from U. S. Attorney, approved by Judge Foley, modifying bail.
Feb. 27	Filed Appearance Bond.
Mar. 15	The deft. is arraigned and pleads not guilty. Thirty days to file motions. Continued on bail.
May 5	Ready
9/3/76	Filed Notice of Motion for Continuance returnable 9/13/76
9/13/76	Motion for continuance granted.
9/16/76	Filed Order of Judge Port granting continuance in the interest of justice from 9/3/76 to the first day of trial in Nov. at Albany
11/30/76	Filed Memorandum of Points & Authorities and Voir Dire Examination

APPLICABLE DOCKET ENTRIES IN SECTION IV SHOW. IN SECTION V, ANY OCCURRENCE OF EXCLUDABLE

Deputy Clerk

1	Trial. Jury panel absent from courtroom. Defts. move for an application for presentence reports of other deft's. who have previously pled. Decision reserved. Defts. move for an application for inspection of Grand Jury minutes, in re a witness. Decision reserved. The Gov't. moves for the dismissal of Counts 2 thru 10 of the Indictment-granted. Jury drawn and sworn. Two alternate jurors drawn and sworn.			
Dec. 2	Filed Order for Writ of Habeas Corpus and Testificandum to bring Paul Moskowitz to Albany 12/2/76 Writ issued			
12/2/76	Trial continued. Witness for plaintiff Robert Roth			
12/3/76	Trial continued. Jury absent from courtroom, Mr. Ryan moves for application to inspect presentence reports of defts. who will be called as witnesses- denied. Defts. renew application for inspection of TGrand Jury testimony of Margaret Buecher-decision reserved.			
12/7/76	Trial continued.			
12/8/76	Trial continued. 12/8/76-Trial continued.			
12/9/76	Trial continued.			
12/10/76	Trial continued.			
12/14/76	Trial continued. In chambers Mr. Ryan moves for service of subpoena on behalf of deft. Kay upon Albany County Probation dept., etc., Application denied. Jury absent-defense moves for an application for a suppression hearing in re: search & seizure-denied. Defense moves for severance in re defts. Kay & Lefebvre, or if denied for a mistrial - both denied. Filed ex. Writ of Habeas Corpus for Paul Moskowitz.			
12/15/76	Trial continued.			
12/15/76	Trial continued.			
12/16/76	Trial continued.			
12/20/76	Trial continued. Plaintiff filed 2 requests to charge Deft. file 8 request to charge. Judge Foley reserves decision at this time for requests Nos. 4 & 5. Judge Foley rules on request to charge No. 4-certain paragraphs refused as too detailed. Remainder will be charged. Charge No. 6 -refused. Attys. sum up.			
12/21/76	Trial continues- Judge Foley charges jury. Court exhibits 3,4,5,6,7,9 filed. Jury comes into Courtroom, find each deft. guilty. Jury polled. Unanimous verdict is rendered by each juror in re each deft. Notes of Juror # 1, Mr. Chow, directed by the court to be filed as Court exhibit # 10. Mr. Dreyer moves to defer sentence for review of pre-sentence investigation. Mr. Ryan, Lombardino, Lebetkin and Leone move to set aside verdict for reasons stated-denied.			
12/22/76	Filed sealed envelope signed by Judge Foley 12/14/76 Filed sealed Court Exhibit.			
12/14/76				
12/22/76				
1977				
1/3/77	Filed Copy of Letter to Judge Foley from Attorneys for defendants re: Extension of Time for Motions to set aside Verdict.			

(a)	(b)	(c)
Interval (per Section II)	Start Date End Date	Ltr Code

Deputy Clerk

DISTRICT COURT
 CASE NO. U.S. vs. LEVY, JR., HAROLD J.

76 12

DATE	PROCEEDINGS (continued)	Vr. Document No.	V. EXCLUDABLE DI
(Document No.)		(a)	(b)
<u>1977</u>			
Jan. 5	Filed Notice of Motion returnable January 17, 1977 at 10:00 A.M. in Albany.		
Jan. 5	Filed Memorandum of Law of Defendants in support of their motion pursuant to Rule 33 of the Federal Rules of Criminal Procedure to set aside the verdict of the jury against them and for a new trial and for a full evidentiary hearing.		
Jan. 13	Filed Executed Writ.		
Jan. 17	Motion for an order to set aside the guilty verdict and for a new trial and for a full evidentiary hearing -dec. reserved		
Jan. 24	Filed transcript of proceedings held 12/2/76 and transcript of proceedings held 12/22/76.		
Feb. 15	Filed M.D.O. of Judge Foley denying and dismissing motion for a new trial		
Feb. 22	The Court advised the defendant of his right to speak in his own behalf, defendant spoke, his attorney spoke. The defendant is sentenced to the custody of the Attorney General for a period of eighteen months with a special parole term of two years on Count one. Execution of sentence is stayed pending filing Notice of Appeal. Bail continued pending appeal.		
Feb. 23	Filed Notice of Appeal.		
Feb. 23	Filed Judgment signed by Judge Foley on February 23, 1977.		
April 7	Filed copy of scheduling order for appeal.		

AO-267

Interval Sign. Date

Deputy Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

76-CR-12

INDICTMENT

Cr.No. _____

KEVIN T. COONEY, HAROLD J. LEVY, JR.,
CHRISTINE H. COONEY, SANDRA BROOKS, a/k/a
SANDRA BROOKS LEVY, WILLIAM KATZ,
JOHN LEFEBVRE, ELLEN KAPLAN, SANDRA L.
HUNT, MARC COHEN, BRUCE KAY, CURTIS PONZI,
JOHN TIBBETTS, MICHAEL P. HAUSER, RALPH
CLICK, ROBERT ROTH, MICHELLE KOVEN,
and CATHI A. HESSION

(VIO: Title 21,
U.S.C.,
Sections 846
and 841(a)(1))

COUNT I

THE GRAND JURY CHARGES:

That from about the month of July, 1972, through the month of June, 1975, at or near Albany, in the State and Northern District of New York, and elsewhere, KEVIN T. COONEY, HAROLD J. LEVY, JR., CHRISTINE H. COONEY, SANDRA BROOKS, a/k/a SANDRA BROOKS LEVY, WILLIAM KATZ, JOHN LEFEBVRE, ELLEN KAPLAN, SANDRA L. HUNT, MARC COHEN, BRUCE KAY, CURTIS PONZI, JOHN TIBBETTS, MICHAEL P. HAUSER, RALPH CLICK, ROBERT ROTH, MICHELLE KOVEN, and CATHI A. HESSION, the defendants herein, and divers other persons whose names are known and unknown to the Grand Jurors, did wilfully, knowingly and unlawfully combine, conspire, confederate, and agree, together and with each other, to commit an offense against the United States, to wit: to violate Title 21, United States Code, Section 841(a)(1).

That the object and purpose of the said unlawful combination, conspiracy and agreement was to wilfully, knowingly, intentionally and unlawfully distribute a Schedule I controlled substance, to wit: quantities of marijuana.

That in furtherance of the aforesaid combination, conspiracy and agreement and to effect the objectives thereof

[- 2 -]

the defendants at the times and places hereinafter named did do and perform the following overt acts:

OVERT ACTS

1. On or about July 17, 1972, at or near Latham, in the State and Northern District of New York, MARC COHEN, a defendant herein, delivered to HAROLD J. LEVY, JR., a defendant herein, approximately 350 pounds of marijuana.

2. On or about April 15, 1973, at or near Latham, in the State and Northern District of New York, WILLIAM KATZ, ELLEN KAPLAN, HAROLD J. LEVY, JR., JOHN LEFEBVRE and BRUCE KAY, defendants herein, possessed with intent to distribute approximately 300 pounds of marijuana.

3. On or about August 6, 1973, BRUCE KAY, a defendant herein, at or near Crescent, in the State and Northern District of New York, delivered approximately 300 pounds of marijuana to HAROLD J. LEVY, JR., WILLIAM KATZ, and others.

4. On or about June 21, 1974, at or near Tucson, Arizona, KEVIN T. COONEY and CHRISTINE H. COONEY, defendants herein, caused to be delivered to HAROLD J. LEVY, JR., at or near Crescent, in the State and Northern District of New York, approximately 300 pounds of marijuana.

5. On or about November 16, 1974, CHRISTINE H. COONEY and SANDRA L. HUNT, defendants herein, at or near Crescent, in the State and Northern District of New York, delivered approximately 400 pounds of marijuana to HAROLD J. LEVY, JR., a defendant herein.

All in violation of Title 21, United States Code, Section 846.

COUNT II

THE GRAND JURY FURTHER CHARGES:

That on or about the 15th day of April, 1973, at or near Latham, in the State and Northern District of New York, KEVIN T. COONEY, HAROLD J. LEVY, JR., JOHN LEFEBVRE, WILLIAM KATZ, ELLEN KAPLAN, and BRUCE KAY, defendants herein, did wilfully, knowingly, and unlawfully possess with intent to distribute a controlled substance as set forth in Schedule I of Subchapter I of Title 21, United States Code, Chapter 13, to wit: approximately 300 pounds of marijuana.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT III

THE GRAND JURY FURTHER CHARGES:

That on or about August 6, 1973, at or near Latham, in the State and Northern District of New York, HAROLD J. LEVY, JR., WILLIAM KATZ, and BRUCE KAY, defendants herein, did wilfully, knowingly, and unlawfully possess with intent to distribute a controlled substance as set forth in Schedule I of Subchapter I of Title 21, United States Code, Chapter 13, to wit: approximately 300 pounds of marijuana.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT IV

THE GRAND JURY FURTHER CHARGES:

That on or about the 6th day of May, 1974, at or near Crescent, in the State and Northern District of New York, HAROLD J. LEVY, JR., SANDRA L. HUNT, BRUCE KAY, WILLIAM KATZ,

[- 4 -]

KEVIN T. COONEY, and JOHN LEFEBVRE, defendants herein, did wilfully, knowingly, and unlawfully possess with intent to distribute a controlled substance as set forth in Schedule I of Subchapter I of Title 21, United States Code, Chapter 13, to wit: approximately 800 pounds of marijuana.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT V

THE GRAND JURY FURTHER CHARGES:

That on or about June 21, 1974, at or near Crescent, in the State and Northern District of New York, KEVIN T. COONEY, CHRISTINE H. COONEY, and HAROLD J. LEVY, JR., defendants herein, did wilfully, knowingly, and unlawfully possess with intent to distribute a controlled substance as set forth in Schedule I of Subchapter I of Title 21, United States Code, Chapter 13, to wit: approximately 300 pounds of marijuana.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT VI

THE GRAND JURY FURTHER CHARGES:

That on or about November 16, 1974, at or near Crescent, in the State and Northern District of New York, CHRISTINE H. COONEY, SANDRA L. HUNT, HAROLD J. LEVY, JR., KEVIN T. COONEY, WILLIAM KATZ, and ELLEN KAPLAN, defendants herein, did wilfully, knowingly, and unlawfully possess with intent to distribute a controlled substance as set forth in Schedule I of Subchapter I of Title 21, United States Code, Chapter 13, to wit: approximately 400 pounds of marijuana.

In violation of Title 21, United States Code,
Section 841(a)(1).

COUNT VII

THE GRAND JURY FURTHER CHARGES:

That on or about December 20, 1973, at or near Albany, in the State and Northern District of New York, KEVIN T. COONEY, a defendant herein, did knowingly, wilfully and unlawfully distribute a controlled substance as set forth in Schedule I of Subchapter I of Title 21, United States Code, Chapter 13, to wit: a quantity of heroin.

In violation of Title 21, United States Code,
Section 841(a)(1).

COUNT VIII

THE GRAND JURY FURTHER CHARGES:

That on or about November 20, 1974, at or near Crescent, in the State and Northern District of New York, KEVIN T. COONEY, a defendant herein, did wilfully, knowingly, and unlawfully possess with intent to distribute a controlled substance as set forth in Schedule II of Subchapter I of Title 21, United States Code, Chapter 13, to wit: approximately one-quarter pound of cocaine.

In violation of Title 21, United States Code,
Section 841(a)(1).

COUNT IX

THE GRAND JURY FURTHER CHARGES:

That on or about May 29, 1974, at or near Albany, in the State and Northern District of New York, CHRISTINE H. COONEY, a defendant herein, did wilfully, knowingly, and unlawfully

distribute a controlled substance as set forth in Schedule I of Subchapter I of Title 21, United States Code, Chapter 13, to wit: a quantity of heroin.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT X

THE GRAND JURY FURTHER CHARGES:

That on or about September 15, 1974, at or near Albany, in the State and Northern District of New York, JOHN LEFEBVRE, a defendant herein, did knowingly, wilfully and unlawfully distribute a controlled substance as set forth in Schedule I of Subchapter I of Title 21, United States Code, Chapter 13, to wit: a quantity of heroin.

In violation of Title 21, United States Code, Section 841(a)(1).

A TRUE BILL

Michael R. [Signature]

FOREMAN

James M. Sullivan, Jr.
UNITED STATES ATTORNEY

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF NEW YORK
----- -X

3 UNITED STATES OF AMERICA,
4

5 - against -

6 KEVIN T. COONEY, etals.

7 Defendants.
8 ----- -X

76-Cr-12

RECEIVED

APR 9 1976

Albany, New York
United States Attorney

10 Proceedings in the above-entitled matter
11 were held pursuant to notice at the United States
12 District Courthouse in and for the Northern
13 District of New York, at Albany, N. Y., on
14 November 13, 1975, before a federal grand jury
15 duly empanelled for the Northern District of
16 New York.
17 -----
18
19
20
21
22
23
24
25

1 A P P E A R A N C E S:

2 HON. JAMES M. SULLIVAN, Jr., United States
3 Attorney for the Northern District of New York,
4 Federal Building, Syracuse, New York 13201, By:
5 WILLIAM J. DREYER, ESQ., Assistant U. S. Attorney,
6 Federal Building, Albany, N. Y. 12201, Of Counsel,
7 appearing in behalf of the United States.
8

9 - - - - -

10 P A U L M O S K O W I T Z

11 called as a witness before the Grand Jury, being
12 first duly sworn, by the Foreman of the Grand Jury,
13 was examined and testified as follows:
14

15 BY MR. DREYER:

16 Q Are you ready to proceed, Mr. Moskowitz?

17 A Yes, sir.

18 Q Will you state for the Grand Jury your full name?

19 A Paul G. Moskowitz.

20 Q What is your occupation?

21 A Bookstore owner.

22 Q Is your bookstore in Albany?

23 A Yes.

24 Q Where?

25 A 813 Madison Avenue, Albany.

Q How long have you owned that bookstore, Mr. Moskowitz?

1 A Approximately four years.

2 Q Directing your attention to the summer of '72 did you
3 own the bookstore at that time?

4 A Yes, I did.

5 Q Was your occupation at that time a book salesman?

6 A Yes.

7 Q What was your residence in the summer of 1972?

8 A In the summer of 1972 I lived at Fenimore Drive Terrece.

9 Q Where is that located?

10 A Watervliet, New York.

11 Q Prior to becoming a bookstore owner what was your occu-
12 pation?

13 A I was liason manager between playboy and Independent
14 News Company which is the New York distributor of Playboy
15 Magazine.

16 Q Sometime prior to that were you a studen?

17 A Yes.

18 Q Where were you a student?

19 A Part time at SUNY and NCHA.

20 Q By SUNY that is the State University of New York?

21 A Yes.

22 Q When did you attend SUNY?

23 A I attended SUNY part time from January 1970 on through
24 most of 1972 up until November 1972.

25 Q Direct your attention to the summer of '72. During

1 the summer of '72 did you have occasion to meet a man by
2 the name of Kevin Cooney?

3 A Yes.

4 Q Did you meet him in the summer of '72?

5 A One of the times I met Kevin Cooney was in the summer
6 of 1972.

7 Q Describe the circumstances under which you met Mr. Cooney
8 in 1972?

9 A Well it was approximately the first week of July 1972.
10 I was at my bookstore in Albany. Sandra Books who is
11 an old time friend of mine came to my bookstore and asked
12 me if she could stay at my apartment because she was
13 having difficulties with her boy friend.

14 Q What was his name?

15 A I knew him as Buddy Levy, but his name was Harold J.
16 Levy. Sandra waited until I finished my duties in the
17 store and then I drove her out to the house she had
18 lived in with Buddy in Old Loudon Road, in Latham.

19 Q When you went out there who did you meet?

20 A Well immediately going to the house I saw Buddy Levy,
21 who I had not seen for approximately a year.

22 Q In what capacity had you previously known Buddy Levy?

23 A Well Sandra Davis and Kevin Coons were neighbors in my
24 apartment house.

25 Q Was that "Coons" the same as Cooney?

- 1 A Yes. That was his nickname when we were in college.
- 2 Q When you went to Buddy Levy's house in 1972 did you see
- 3 Kevin Cooney?
- 4 A Not right away. Approximately an hour after I had
- 5 been there Kevin arrived at the house.
- 6 Q Did Mr. Cooney recognize you?
- 7 A Yes. He immediately shook hands and we started talking
- 8 old times going back and the previous experiences together.
- 9 Q During the conversation you had with Mr. Cooney did Mr.
- 10 Cooney at any time mention any drugs or marijuana?
- 11 A The conversation came up. I was talking with Buddy
- 12 Levy regarding the fact that he had heard that I had
- 13 been dealing in some marijuana and he was in the same
- 14 business.
- 15 Q Buddy Levy said this?
- 16 A Buddy Levy said this and Kevin mentioned if I ever needed
- 17 any drugs that I should contact either him or Buddy Levy.
- 18 Q Who else was present when Kevin Cooney told you that?
- 19 A Just Buddy, myself and Kevin.
- 20 Q Sandra Brooks was not present?
- 21 A Sandra was upstairs packing her bag.
- 22 Q To the best of your recollection did you follow through
- 23 on Mr. Cooney's offer?
- 24 A I followed through the following day.
- 25

1 following day?

2 A Approximately around noon the following day I gave Buddy
3 Levy a call from my apartment telling him I was inter-
4 ested in purchasing a quantity of marijuana. Over the
5 telephone I used the terminology "books". He said
6 "Come on over. We can talk about it."

7 Q Did you go over the following day?

8 A Yes, I did.

9 Q And where did you go the following day?

10 A I left my apartment and went to the Old Loudon Road
11 address in Latham.

12 Q Who lived at that address?

13 A It was the residence of Buddy Levy and Sandra Brooks.

14 Q Do you recall the number of the street?

15 A Yes. It is 85 Old Loudon Road.

16 Q And that was the home of Buddy Levy?

17 A Yes.

18 Q What did you do when you got there?

19 A When I got to Buddy's house I noticed that there was a
20 Green Plymouth Fury parked in the driveway, with
21 Arizona plates. I was at Buddy's house and he asked
22 me if I could stay there for a couple of hours, that
23 they needed help to unload the car in the driveway.

24 Q Did you do that?

25 A Yes. I did. Buddy, myself and Kevin helped unload the

1 vehicle.

2 Q Was it some time on the following day Kevin Cooney ar-
3 rived also?

4 A Yes. He was staying at Buddy's house and he was out
5 visiting friends because Kevin also attended State Uni-
6 versity in Albany.

7 Q Did you unload the Green Fury?

8 A Yes, I did.

9 Q What did you observe inside the vehicle?

10 A There were three large green garment bags and we unloaded
11 them from the trunk to the upstairs bedroom in Buddy's
12 house.

13 Q Did you at any time look inside the garment bags?

14 A The bags were opened later on and seemed to be cakes or
15 bricks of marijuana which were loaded into Buddy's bed-
16 room.

17 Q And where was this?

18 A In the back of the house.

19 Q Were you present when the garment bags were opened?

20 A Yes, I was.

21 Q Who took the substance out of the garment bags?

22 A Buddy and myself.

23 Q What is a cake?

24 A That is two pounds of marijuana.

25 Q That is a kilogram?

1 A Yes.

2 Q And that is 2.2 pounds?

3 A Yes.

4 Q How many cakes were there to the best of your recollec-
5 tion?

6 A Approximately one hundred seventy, which would be around
7 three hundred fifty pounds of marijuana.

8 Q What did you do with the substance that appeared to be
9 marijuana?

10 A They were unloaded from the suitcases; at that time
11 I asked Buddy for the amount which I wanted, which he
12 proceeded to get out for me.

13 Q How much did you receive?

14 A Approximately fifty pounds.

15 Q Did you pay him for that?

16 A Yes, in cash.

17 Q How much did you pay him?

18 A Approximately a hundred thirty dollars a pound.

19 Q Who else was present when you received your marijuana?

20 A At the time I received my marijuana Kevin was there,
21 Buddy was there and at the house I met a fellow named
22 Marc Cohen.

23 Q Who is Marc Cohen?

24 A He was the gentleman who drove the vehicle from Arizona
25 to the Albany area.

1 Q How did you learn of that?

2 A Marc told me.

3 Q Marc said that to you?

4 A Right.

5 Q What did you do with the marijuana that you received?

6 A I had one customer, a middle man, named Curt Ponzi. The
7 marijuana went to him. I don't know the distribution
8 from there.

9 Q In other words you gave the full fifty pounds to Curt
10 Ponzi?

11 A Yes.

12 Q And what did he pay you?

13 A I charged him in excess of one hundred thirty dollars,
14 a pound. He paid me one hundred forty five a pound.

15 Q After this incident in which you received the fifty pounds
16 of marijuana, did you continue to see the parties that
17 you described to us, that is Kevin Cooney, Buddy Levy,
18 Sandra Brooks and Marc Cohen?

19 A Yes. Buddy and I became very close. We lived together
20 in Fenimore Drive and started to do business together.

21 Q You saw him socially as well as on a business basis?

22 A Yes.

23 Q Do you recall subsequently whether or not during the
24 summer of 1972 you again shares in the distribution or
25 observed the distribution of marijuana at Buddy Levy's

1 house?

2 A Yes, there was another shipment.

3 Q Do you remember that?

4 A Yes.

5 Q When was it?

6 A There was another shipment approximately the last week
7 in July 1972, and then another shipment in August of
8 '72.

9 Q Do you now have a recollection of the shipment in July?

10 A Yes. I was present when the shipment arrived but I do
11 not know the distribution.

12 Q Where were you when the shipment arrived?

13 A At Buddy's house. We were visiting and listening to
14 records when Marc Cohen drove up in the green Plymouth
15 Fury.

16 Q The one with the Arizona license plates?

17 A Yes.

18 Q What happened then?

19 A Buddy asked me again to stick around, listen to more
20 recordings and then after that we went out and unloaded
21 the green Fury.

22 Q What did you unload?

23 A Approximately, three garment bags, of approximately three
24 hundred pounds of marijuana.
25

1 A It was taken upstairs to the spare bedroom.

2 Q Did you share in the distribution?

3 A At that time? No.

4 Q Did you see anybody take or receive marijuana?

5 A At that time I saw a gentleman, Bill Katz, John Lefebure
6 and Myron Bernie share in the distribution of this ship-
7 ment.

8 Q And you saw them receive marijuana?

9 A Yes.

10 Q Do you recall how much they received?

11 A Bill Katz received a hundred pounds; John Lefebure
12 received eighty pounds and Myron Bernie approximately
13 fifty pounds.

14 Q How long did you stay at Buddy's house that day?

15 A Just until after the others left, Bill, John and Myron.

16 Q Please refer to them by their last names.

17 A Bill Katz, John Lefebure and Myron Bernie left and I
18 left after that.

19 Q You said you recalled another incident in 1972.

20 A Yes. Approximately the second week of August 1972 I was
21 at Buddy's house again.

22 Q Buddy Levy?

23 A Yes. Buddy Levy. There was a telephone call. He ask-
24 ed me to stick around. Cooney was on his way, on the
25 Thruway. with another shipment.

1 Q And by Cooney did you understand it to mean Kevin Cooney?

2 A Yes.

3 Q Did you wait there?

4 A Yes.

5 Q And did you observe anything?

6 A Cooney arrived at nine o'clock.

7 Q This was in August?

8 A Yes. And we began to unload the green Fury which con-
9 -tained the green garment bags with the marijuana.

10 Q What did you do with that marijuana?

11 A That was again taken to the spare bedroom in Buddy's
12 house.

13 Q In August of 1972 did you share in the distribution of
14 that load?

15 A Yes, I did.

16 Q How much did you receive?

17 A Fifty pounds.

18 Q And did you pay Mr. Levy?

19 A Yes. In cash.

20 Q Did you upon receive that marijuana distribute it to
21 someone else?

22 A Yes. The fifty pounds went to my only customer, Curt
23 Ponzi.

24 Q Where is he living today?

25 A He is living with his parents in Long Island. He has

1 mono.

2 Q Where was he when you distributed it in Albany?

3 A At the University.

4 Q After this did you see Buddy Levy and Kevin Cooney on a
5 social basis?

6 A Yes. During that interval from September to October
7 I would be with Harold Levy and Sandra. Then there
8 were various shipments during that time but I was not
9 present for those shipments.

10 Q You learned of them how?

11 A Through conversations with Buddy Levy and Sandra.

12 Q Do you remember a shipment some time in the Fall?

13 A Yes. In November 1972 there was another shipment.

14 At the time I was at Buddy Levy's house on Old Loudon
15 Road. There was a call. Buddy asked me to stick around,
16 there was a load coming in and would I help unload the
17 suitcases.

18 Q What did you do. Again stayed around, talking with
19 Buddy Levy and waited until approximately nine thirty,
20 ten o'clock when the green Plymouth Fury arrived.

21 Q Who drove the Plymouth Fury?

22 A At this time the driver was now a young lady that I
23 knew as Sunny.

24 Q Just as Sunny?

25 A Just as Sunny.

1 Q At a subsequent time did you learn her true name?

2 A Yes.

3 Q And what is that?

4 A Sandra Hunt.

5 Q And you observed her drive to Buddy Levy's house in a
6 green Fury in November 1972?

7 A Actually I was inside. I heard the Fury pull up. Sandra
8 knocked at the door and Buddy let her in.

9 Q Did you observe an automobile in the driveway?

10 A Yes.

11 Q Was it the same one with the Arizona license plates?

12 A Yes.

13 Q And what did you do?

14 A Buddy, Sandra and I talked a little bit. Then we pro-
15 ceeded outside to unload the green garment bags from the
16 back of the truck.

17 Q The same types of garment bags you had removed previously
18 from the green Fury?

19 A Yes.

20 Q What did you do with those garment bags?

21 A They were taken upstairs to the back bedroom of Buddy
22 Levy.

23 Q Did you observe the garment bags unloaded?

24 A Yes. I helpt unload them into Buddy's large trunk.

25 Q What kind of a trunk?

- 1 A Like a Navy locker.
- 2 Q Describe what the substance looked like.
- 3 A They were cake loads of marijuana wrapped in various
- 4 corrugated cardboard paper.
- 5 Q Are you able to recollect the approximate amount that
- 6 you observed?
- 7 A Yes, there was approximately four hundred pounds of
- 8 marijuana.
- 9 Q And this was in November 1972?
- 10 A Yes.
- 11 Q Either during the time this shipment was being made in
- 12 November 1972 or sometime thereafter did you again have
- 13 an occasion to meet Kevin Cooney, who you mentioned pre-
- 14 viously?
- 15 A Yes. In November 1972, after Sunny had arrived with the
- 16 load of marijuana Kevin Cooney arrived about a day
- 17 later.
- 18 Q Do you remember the purpose of his visit?
- 19 A He came in to pick up money from Buddy Levy.
- 20 Q He came in from where?
- 21 A From Arizona.
- 22 Q Did you have information then that he lived in Arizona?
- 23 A Yes.
- 24 Q How did you know that?
- 25 A During my previous visit in July with Kevin he gave me

1 his address and told me where he was living -- not the
2 address, the telephone number in Arizona.

3 Q Where did he tell you he was living in Arizona?

4 A He didn't give me the address. He told me I had to
5 call him.

6 Q Did he tell you what city he was living in?

7 A Tuscon. And he was attending the University law school

8 Q Directing your attention to 1972, did you say you remember
9 seeing Kevin Cooney again in November?

10 A Yes.

11 Q What was the purpose of his coming in other than to pick
12 up his money?

13 A I don't remember.

14 Q -- Did you hear Kevin Cooney say that was the purpose, to
15 pick up his money?

16 A Yes. I was in the room with Kevin Cooney and Buddy Levy.

17 Q Did you see any money change hands?

18 A Yes. Approximately between fifteen and eighteen thousand
19 dollars.

20 Q How do you know it was that much?

21 A Well it was loosely wrapped in one hundred dollars bills,
22 and through small talk with Sandra with whom I was very
23 close, who helped change the money into hundred dollar
24 bills, and who said that was the approximate amount given
25 to Kevin Cooney.

- 1 Q Did Mr. Cooney himself bring any substance when he came
2 to Albany?
- 3 A At that time Kevin brought half an ounce of heroin.
- 4 Q How did you know it was heroin? How did you find out
5 it was heroin?
- 6 A I was told by Buddy that it was heroin. At that pre-
7 sent time I had not had any dealings relating with the
8 drugs. Mostly marijuana.
- 9 Q Did you observe him do something with the substance you
10 call heroin?
- 11 A It was divided up among the people who were there at
12 the house after the car was unloaded.
- 13 Q How much did you say he brought in? How much heroin?
- 14 A Approximately around a half ounce.
- 15 Q Who was present at that time?
- 16 A It was myself, Buddy, Sandra, Bill Katz ---
- 17 Q Please use their last names.
- 18 A Sandra Brooks, Sunny Sandra Hunt, Bill Katz, John Lefebure
- 19 Q And Kevin Cooney?
- 20 A And Kevin Cooney.
- 21 Q Did you see the heroin that Kevin Cooney produced?
- 22 A Yes.
- 23 Q What color was it?
- 24 A Brown.
- 25 Q Was it wrapped in any special way?

1 A Just in a plastic sac-like bag.

2 Q You say he gave it to the people in the room?

3 A Yes.

4 Q How did he divide it up?

5 A It was just put in a small dish for partying purposes.

6 Q In other words the people in the room used the heroin?

7 A Yes. Except for myself. I never used it before.

8 Q Describe how it was used.

9 A The brown heroin was chopped up on a small platter, cut
10 into small lots, and the various people used the heroin.

11 Q How?

12 A They put it to their noses and sniffed the heroin.

13 Q You say approximately a half ounce was put on the table?

14 A Yes.

15 Q And four or five people used the heroin?

16 A Right.

17 Q Was there any left over?

18 A Yes. There was three or four grams that went to Buddy
19 Levy and Buddy did tell me that they were for customers
20 to whom -- that he had dealt with in marijuana.

21 Q You say only a half ounce was delivered?

22 A Yes.

23 Q Did you later become familiar with how much heroin is
24 used by an individual at one time? Are you familiar
25 with the amount of heroin used for personal use?

1 A Yes. Approximately a gram.

2 Q Was the half ounce intended for distribution?

3 A Well that would be fourteen grams and this was approxi-
4 mately eighty percent pure. One gram would get five
5 people very high.

6 Q Do you know how much it was worth at that time?

7 A Around that time, ninety dollars a gram.

8 Q You say noone paid Kevin Cooney for this heroin at that
9 time?

10 A No. Kevin Cooney felt since these people were making
11 him money in marijuana this was for the purpose of party-
12 ing and being social.

13 Q You said he "felt". Did he say that to you?

14 A No. This was a conclusion of my own.

15 MR. DREYER: I guess the Grand Jury will dis-
16 regard the conclusions of the witness not drawn from
17 facts.

18 Q Did anything else occur, any specific acts, in 1972,
19 after Kevin Cooney's visit?

20 A No.

21 Q Let's move on to '73. Do you independently recollect
22 the year '73?

23 A Yes.

24 Q Sometime in '73, after Kevin's visit in '72, do you
25 recall another such shipment coming in?

1 A Yes. In February of 1972 I was at Buddy's house at Old
2 Loudon Road, at Buddy Levy's house, when Sandra Hunt
3 drove up in the green Plymouth Fury with another load of
4 marijuana.

5 Q How much marijuana did you see?

6 A There was approximately four hundred pounds at this time.
7 There was three green garment bags and two small suit-
8 cases.

9 Q And who did you say drove that car?

10 A Sunny Sandra Hunt.

11 Q Did you aid in unloading the car?

12 A Yes.

13 Q What did you do with it?

14 A Again in the back room of the house.

15 Q Do you recall who was present at that time?

16 A Yes. I was present. Buddy Levy was present. Bill Katz
17 was present. Sandra Brooks was present as well as "Sunny"
18 Sandra Hunt.

19 Q You say she drove the green Fury?

20 A Yes.

21 Q Do you recall any conversation or statements of any per-
22 son indicating that that shipment in February 1973 came
23 from Kevin Coongy?

24 A Well in discussions with Sunny, which were to the effect
25 that "Kevin said hello" which seemed to be the normal

1 thing whenever I saw any of the drivers. They relayed
2 friendship between Kevin Cooney and myself.

3 Q In '73 did "Sunny" say anything about Kevin Cooney?

4 A She said "Kevin said hello".

5 Q Did you share in the distribution of that load?

6 A No.

7 Q Did you observe or have anything to do with the distri-
8 bution?

9 A Yes. I help/Buddy with it.

10 Q How?

11 A Bill Katz, John Lefebure, Myron Birnie had arrived and
12 Buddy asked me to help cut up the four hundred pounds
13 for distribution.

14 Q How did you do that?

15 A Since the stuff was two pounds an individual cake, we
16 weighed whatever was needed and the individual cakes were
17 cut into single pounds.

18 Q How were they weighed?

19 A On a scale, which was used for weighing around five
20 thousand grams, so you could weigh two or three pounds
21 at a time.

22 Q So Mr. Levy had scales?

23 A Numerous scales.

24 Q Did you observe the other individuals that were there
25 actually receive the marijuana?

1 A Yes. I helped pack some of the stuff for Bill Katz and
2 John Lefebure.

3 Q Do you remember the approximate number of pounds that went
4 to those individuals?

5 A Bill Katz received approximately one hundred pounds;
6 John LeFebure got ninety pounds and Myron Birnie approxi-
7 mately fifty pounds.

8 Q I now direct your attention to April 1973. In April
9 1973 you have occasion to meet a young lady by the name
10 of Margaret Buecher or Meg Buecher?

11 A Yes. I had numerous bank accounts in the Bank of
12 New York on Madison Avenue, and Meg or Margaret Buecher
13 worked at the Bank of New York as a teller.

14 Q Could you tell us how you met her?

15 A I was at the bank changing small bills into large bills
16 for Buddy Levy and small talk started between Meg and I
17 and there was a statement about having dinner at some
18 time in the future.

19 Q So as a result of your meeting at the bank you asked her
20 out socially; is that an accurate statement?

21 A Eventually she asked me out.

22 Q Did you see her thereafter?

23 A Yes. Meg and I saw each other regularly, almost every
24 day.

25 Q After meeting this -- is that the way you pronounce her

1 name, Buecher?

2 A Beucher.

3 Q After meeting her did you introduce her to any of the
4 people that you talked about, Harold Levy and Kevin
5 Cooney, at that time?

6 A I knew her background ---

7 Q Don't get into her background at this point.

8 A O.K. Buddy Levy, myself and Meg went out to dinner
9 one night.

10 Q You say that you took her out with Buddy Levy one night?

11 A Correct.

12 Q Was any discussion had with Buddy Levy in the presence
13 of Meg about the marijuana operation?

14 A No large discussion. A short discussion of Buddy Levy's
15 operation in marijuana and that I was involved with him.

16 Q As a result of your relationship with Meg Buecher she
17 became familiar with your involvement in this operation?

18 A Not for exactly a month.

19 Q Sometime after you met Meg Buecher did you take her to
20 Buddy Levy's house?

21 A Yes. In mid-April of '73, Buddy, Meg and I drove out
22 to the 85 Old London Road address and observed a ship-
23 ment arriving.

24 Q What do you mean "a shipment arriving"?

25

1 driven by Bill Katz and Ellen Kaplan.

2 Q Bill Katz and Ellen Kaplan drove this green Fury at
3 this time?

4 A Yes.

5 Q Did you observe them actually drive up to the house?

6 A Yes.

7 Q Did you observe them doing anything after in the house?

8 A They came into the house. We all got high and waited
9 until nighttime to unload the Fury. Again three green
10 suitcases upstairs to the back bedroom.

11 Q How much substance did you unload then?

12 A Approximately three hundred fifty pounds.

13 Q Did you share in the substance?

14 A Yes. Approximately fifty pounds.

15 Q Did you pay someone for that marijuana?

16 A Yes. I paid Harold Levy in front of Miss Buecher.

17 Q Who else was present with Meg Buecher when you were
18 unloading the marijuana?

19 A It was myself, Buddy Levy, Bill Katz and Ellen Kaplan.

20 Q Did you continue to meet Miss Buecher socially?

21 A Yes.

22 Q And did you see her frequently or infrequently?

23 A Frequently.

24 Q After this April shipment allegedly came in, did you
25 continue to take Miss Buecher out to the home of Buddy

1 Levy?

2 A Yes. There were numerous occasions when we went to
3 his residence to party.

4 Q Some time after this April shipment do you have information
5 that Mr. Levy moved from 85 Old Loudon Road?

6 A In July 1973 Harold Levy moved from 85 Old Loudon Road
7 to a sequestered home in Crescent.

8 Q Where is Crescent?

9 A Exit 8 on the Northway.

10 Q Did you observe him move?

11 A Yes.

12 Q Did you see the home?

13 A Yes.

14 Q Will you describe it for the Grand Jury?

15 A It is a pre-fab, similar to a mobile home but a larger
16 size, with a porch around the perimeter of the resi-
17 dence.

18 Q You say he moved in July?

19 A Yes.

20 Q After Harold Levy moved to his home in Crescent do you
21 recall in 1973 -- that is, do you recall any shipment
22 being made to that Crescent address?

23 A Well approximately the first week in August 1973 there
24 was another shipment.

25 Q Please describe it.

1 A I was at Buddy's house. Buddy Levy.

2 Q With whom?

3 A There was me, Buddy Levy, Sandra Brooks, Bill Katz. I
4 happened to be out at the house because Buddy and I
5 were motorcycle enthusiasts and were working on our
6 motorcycles.

7 Q What did you observe?

8 A Approximately around sundown Bruce -- at that time I
9 only knew him as Bruce -- arrived in the green Plymouth
10 Fury at the Crescent address.

11 Q The green Plymouth Fury bearing Arizona license plates?

12 A Yes.

13 Q Did he arrive with anyone else or was he the sole
14 driver?

15 A He was the sole driver.

16 Q After he arrived what happened?

17 A We went into the house. Bruce brought some hashish with
18 him.

19 Q When you say "hashish" that is distinguishable from
20 marijuana?

21 A No. Hashish is a compressed substance of high quality
22 marijuana compressed into a very flat brick. A brown
23 hashish.
24

25 Q How much hashish did he bring with him?

A Approximately a half pound

- 1 is a good quantity.
- 2 Q How much marijuana did he bring with him?
- 3 A Approximately three hundred fifty pounds.
- 4 Q Did you see this unloaded from the automobile?
- 5 A I helped unload it.
- 6 Q And then what did you do with it?
- 7 A At that time we brought it into a private bedroom that
- 8 Buddy Levy kept locked at all times.
- 9 Q And after you got it into the private bedroom he would
- 10 unload it from the green garment bags?
- 11 A Yes.
- 12 Q And what did you observe?
- 13 A The same materials wrapped in cardboard paper which was
- 14 put in his large locker.
- 15 Q Did you thereafter receive any of that marijuana?
- 16 A I received a hundred pounds.
- 17 Q What did you do with it?
- 18 A Since at that time I owned a small B-W I called Meg
- 19 Buecher to come up to Buddy's residence to help me.
- 20 Q Where was she at that time?
- 21 A In my house on Henson Street, in Albany.
- 22 Q Tell the Grand Jury at this point whether Miss Buecher
- 23 was living in your apartment or home?
- 24 A Yes. In July 1973 we moved in together.
- 25 Q So you called her at your home on what street?

1 A In Hansom Street, in Albany.

2 Q When did you move to Hansom Street in Albany?

3 A Approximately February 1973.

4 Q After you called her did Meg Buecher come to Buddy
5 Levy's house in Crescent?

6 A Yes. She came in her Datson which has a larger trunk
7 than my car.

8 Q And what happened?

9 A Meg went into the back bedroom with me and we loaded
10 the cakes into the VW and part into Meg's Datson.

11 Q Do you recall any other shipments in '73?

12 A Yes, there were other shipments in September or October
13 but I had no participation in those shipments. Except
14 Buddy Levy called me and let me know those shipments
15 were available if I needed marijuana.

16 Q Do you recall specifically a shipment in about December?

17 A Yes. In November 1973 I was at Buddy Levy's residence
18 in Crescent when Sandra Hunt arrived with a shipment.

19 Q What did she arrive in?

20 A It was also the Green Plymouth Fury with the Arizona
21 license plates.

22 Q Did she drive the car by herself, to the best of your
23 recollection?

24 A Yes.
25

1 A We waited until dark and Buddy, myself and Bill and
2 also Bruce helped unload the shipment from the car.

3 Q What did you do with it?

4 A Again taken into the back room of Buddy Levy's resi-
5 dence.

6 Q Did you share in the distribution of the November ship-
7 ment?

8 A Yes, I did.

9 Q How much did you receive?

10 A Approximately between fifty and a hundred pounds.

11 Q You observe anyone else share in the distribution?

12 A Yes. Bruce shared in the distribution. Bill shared
13 in the distribution and John Lefebure shared in the dis-
14 tribution.

15 Q Was Meg present during this transaction?

16 A She arrived later, because I called her to help me load
17 it into her car.

18 Q Did you load it into your car and her car?

19 A At that time I had a new car, a Porche, and I couldn't
20 get it into the trunk so we loaded it all into Meg's
21 Datson.

22 Q What did you do with it?

23 A It went back to my residence and then was turned over
24 to Curt Ponzi.

25 Q How much?

1 A One hundred forty dollars a pound.

2 Q After this November shipment you take part in any of
3 the other shipments in 1973?

4 A At that time when "Sunny" arrived she also brought in
5 two ounces of cocaine.

6 Q Did you share in the distribution of that cocaine?

7 A Yes, I did.

8 Q How was it distributed?

9 A The cocaine came in one large zip-locked bag. The
10 amount was divided up among the people involved.

11 Q Who were the people present?

12 A Bruce, Meg, Sandra Brooks, Buddy Levy, Bill Katz, Ellen
13 Kaplan.

14 Q What was done with the cocaine? In other words who pro-
15 duced the cocaine, "Sunny"?

16 A "Sunny" brought it out.

17 Q What did she do with it?

18 A She explained some of the cocaine was for other dis-
19 tribution and I imagine for our personal consumption.

20 Q And what happened?

21 A She took charge of it and divided ^{it} into grams.

22 Q And what did she do with it?

23 A Sold it to the people in the room who wanted to pur-
24 chase it.

25 Q Do you recall how much it cost?

1 A Eighty-five dollars a gram.

2 Q And did you take it and use it?

3 A Yes.

4 Q Did you all use it?

5 A Yes.

6 Q Based on your experience can you tell the Grand Jury
7 that that was in fact cocaine?

8 A Yes, it was.

9 Q What color was it?

10 A It was white. Sort of a pinkish-white, with rocks;
11 the terminology rocks is clumps of cocaine.

12 Q How was it taken?

13 A Again chipped on a plate, divided into lots and sipped
14 through a straw.

15 Q Was there any cocaine left over after the people in
16 the room used it?

17 A Yes there was cocaine left and it was given to Buddy
18 Levy for distribution to their customers.

19 Q Did you observe that?

20 A I didn't observe the distribution.

21 Q After November 1973 did you see Kevin Cooney at any
22 time?

23 A Yes, I saw him in December 1973.

24 Q Where did you see him?

25 A At my residence in Hansom Street.

1 Q Can you tell us where he came from?

2 A He flew in from Tucson. Buddy Levy picked him up and
3 took him to my residence.

4 Q Do you remember the purpose of his visit?

5 A The main purpose was to visit his folks and to pick up
6 the money from the November shipment.

7 Q Is that an assumption or did he tell you that?

8 A This came from Kevin. It was in the presence of Buddy,
9 Kevin, Meg and myself, when Kevin asked how much money
10 Buddy Levy had for him that Kevin could take back.

11 Q And did Buddy Levy say anything?

12 A And he said fifteen thousand dollars was available and
13 if he waited a few days there would be more money.

14 Q Did you observe any drugs produced?

15 A At this time Kevin Cooney brought in numerous grams of
16 heroin.

17 Q For what purpose?

18 A For the people involved in the operation.

19 Q And did some people gather to see Kevin in December
20 1973?

21 A Yes, at my residence.

22 Q And did those people take heroin from Kevin Cooney?

23 A Yes.

24 Q Do you remember who those people were?

25 A Yes. It was Buddy Levy, Kevin Cooney, myself, Meg

1 Buecher, Bill Katz, Ellen Kaplan and John Lefebure.

2 Q Did you see any money change hands for that heroin?

3 A No.

4 Q Was that heroin passed out to the people merely for
5 social use at that time?

6 A Yes. It was the first time I ever used it.

7 Q And Kevin Cooney did not ask you for money for that
8 particular heroin?

9 A No.

10 Q Do you recall anything else that might be significant?

11 A Just a lot of small talk between Kevin and I regarding
12 the operation, how it was going, and my plans for the
13 future.

14 Q Did anything else significant happen in the year 1973
15 that you can recall regarding this operation?

16 A The only thing I can, in November 1973, the normal
17 procedure was for Buddy Levy to ask various people
18 involved in the operation to change money into larger
19 bills, preferably fifties and hundreds.

20 Q Did you observe how much money was given to them?

21 A No.

22 Q Do you remember anything else in 1973 at this time?

23 A No.

24

25

(Discussion was held off the record and then
the witness was excused.)

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF NEW YORK

3 ----- -x
4 UNITED STATES OF AMERICA, :

5 - against - :

6 KEVIN T. COONEY, etals. :

7 Defendants. :

76-Cr-12

8 ----- -x
9

10 Proceedings in the above-entitled matter
11 were continued pursuant to notice at the United
12 States District Courthouse, in and for the
13 Northern District of New York, at Albany, N. Y.
14 o on November 25, 1975, before a federal grand
15 jury duly empanelled for the Northern District
16 of New York.
17
18
19
20
21
22
23
24
25

1 A P P E A R A N C E S:

2 HON. JAMES M. SULLIVAN, Jr., United States
3 Attorney for the Northern District of New York,
4 Federal Building, Syracuse, New York 13201, By:
5 WILLIAM J. DREYER, ESQ., Assistant U. S. Attorney,
6 Federal Building, Albany, N. Y. 12201, Of Counsel,
7 appearing in behalf of the United States.
8

9 -----
10 P A U L M O S K O W I T Z
11

12 recalled as a witness, having previously been
13 sworn by the Foreman of the Grand Jury, was examined
14 and testified further as follows:

15 MR. DREYER: The government recalls Paul Mos-
16 kowitz. Mr. Moskowitz you are reminded you are
17 still under oath.

18 THE WITNESS: Yes sir.

19 BY MR. DREYER:

20 Q Mr. Moskowitz the last time you were present before the
21 Grand Jury you testified about events occurring in
22 September, 1973. Do you recall that testimony?

23 A Yes, I do.

24 Q I ask you do you now recall January 1974?

25 A Yes.

1 Q Do you recall any significant events occurring in
2 January 1974?

3 A In January '74 I took a trip to Denver, Colorado to
4 attend a Western sports show. I was in process of
5 opening a new business.

6 Q What type of business were you going to open?

7 A A Western sportswear store.

8 Q Selling what type of products?

9 A Western shirts, Western boots, and Western jewelry,
10 rings and so on.

11 Q Did you actually open that business?

12 A Yes, in April 1974.

13 Q Returning to January, you said you travelled to Denver?

14 A Yes.

15 Q Did you meet anybody out there during that trip?

16 A On the trip out to Denver, a few days before the Super
17 Bowl I gave a call to Kevin Cooney who invited me down
18 to watch the Super Bowl so I visited Kevin and Chris
19 Cooney.

20 Q They are the persons you described previously?

21 A Yes.

22 Q What happened then?

23 A After Kevin picked me up at the airport we went back
24 to his house.

25 Q Located where, do you recall?

1 A I don't have the address. It was night time. I was
2 unfamiliar with the area, and most of the evening we
3 spent partying and talking about old times and planning
4 to get up early for a trip to Mexico the following day.

5 Q This was still before the Super Bowl game Sunday?

6 A Yes.

7 Q What happened on Saturday?

8 A Keven and Chris and I took a trip across the border.

9 Q Do you recall where you crossed the border?

10 A I am not familiar with the location. It was south of
11 Tuscon and then we headed toward Sonora for an hour and
12 a half and then veered off the right for approximately
13 ten miles until we came to a large hacienda. We stop-
14 ped but didn't go into the house. There I met somebody
15 introduced to me as Pasquale.

16 Q What happened after you met this individual Pasquale?

17 A Kevin and Pasquale started to talk business for a few
18 minutes.

19 Q Did you hear this discussion?

20 A I was standing right next to them.

21 Q Continue.

22 A Pasquale mentioned how were things going with the mari-
23 juans and Kevin asked how things were going with the
24 heroin. Then Kevin pulled a suitcase out of the trunk
25 and gave it to Pasquale.

1 Q On the way to Sonora did Kevin mention what the reason
2 for the trip was?

3 A Yes. Pasquale was Kevin's marijuana connection and he
4 was bringing him approximately thirty thousand dollars
5 for payment for the marijuana.

6 Q Did he tell you that the thirty thousand dollars was
7 in the car?

8 A He mentioned it was in the suitcase, which I figured
9 was in the trunk because it was not in the car.

10 Q And while there you noticed Kevin hand the suitcase to
11 Pasquale?

12 A It was more like an attache case. Yes.

13 Q Anything else significant happen at the hacienda that
14 you recall now?

15 A Pasquale was talking to Kevin about the marijuana.
16 That he was more interested in heroin and cocaine; that
17 it was too much bulk in marijuana when transporting
18 or getting it over the border; that getting heroin
19 and cocaine was easier than getting marijuana across.

20 Q What did Kevin say?

21 A Kevin said he was interested in small amounts of heroin
22 and cocaine but not the amount Pasquale wanted him to
23 move.

24 Q Did you leave the hacienda on the same day or did you
25 stay overnight?

1 A No, we left the same day.

2 Q What did you do?

3 A We drove back to Tuscon on the same day.

4 Q During your trip back did Mr. Cooney make any statement
5 concerning what transpired in Mexico?

6 A We discussed Pasquale. I mentioned the fact he had
7 a large force for taking care of the place. I noticed
8 eight or nine men at the Hacienda. It was a very large
9 house. We discussed how he met Pasquale and how the
10 marijuana was transported.

11 Q How did Kevin say he met Pasquale.

12 A He told me when he was living in New York as a student
13 a few of his college friends knew Pasquale and that
14 when he moved out to Tuscon he went to law school there
15 with them and they sort of turned over their operation
16 to him.

17 Q Did Kevin Cooney explain what the procedure was for
18 transporting marijuana from Mexico to Tuscon?

19 A At the time we discussed it he mentioned a few various
20 ways he was getting marijuana into the country. They
21 were flying below radar range and landing in a private
22 hangar outside the airport in Tuscon, unloading the
23 marijuana and taking it to Kevin's second house.

24 Q Did he tell you where it was located?

25 A He took me to the house.

1 Q At a later time?

2 A At a later time.

3 Q Did Mr. Cooney tell you how much the average shipment
4 was from Mexico to the United States as delivered by
5 Pasquale?

6 A Approximately a thousand pounds.

7 Q Did anything else significant occur on that trip from
8 Mexico to Tuscon with Mr. Cooney?

9 A We discussed the fact that he was expanding his mari-
10 juana operation from just the Albany area to Ithaca-
11 Buffalo-Elmira-Binghamton area.

12 Q And he mentioned those cities to you specifically?

13 A Yes.

14 Q At that time did he mention any names of persons who
15 might be handling those substances?

16 A The only name that came up was a fellow Andrew Blase.

17 Q Can you spell that?

18 A I am not sure of the spelling. I had met Andrew
19 Blase before when I was living in Watervliet.

20 Q Did you arrive in Tuscon the same day?

21 A Yes. We went back to Kevin's house at Tuscon, and
22 partied. Kevin had some heroin and cocaine on hand.

23 Q How much, do you recall?

24 A Approximately an ounce. Christine Cooney was pretty
25 much into heroin and she always had it on hand.

1 Q After you arrived back at the house did you engage in
2 other conversation with Mr. and Mrs. Cooney about the
3 operation in general?

4 A We discussed how Kevin was doing, if he was profiting at
5 all from the marijuana, and Christine happened to mention
6 up to date approximately two hundred fifty thousand dol-
7 lars of assets were accumulated.

8 Q Mrs. Cooney said that?

9 A There was this conversation between Kevin, Chris and my-
10 self.

11 Q Regarding the profits was anything said in conversation
12 regarding their present location as of January 1974?

13 A Yes. They were kept in safe deposit boxes that Kevin
14 and Chris had in their name.

15 Q Did they make any statement of what they were going to
16 do with the money?

17 A At that time, no. It was later on in 1974 I learned
18 that they were planning to do other things with the money
19 they were making.

20 Q As a matter of fact while you were visiting Tuscon was
21 any mention made as to the formation of a business?

22 A Yes. Kevin and I had a conversation that he was making
23 a lot of money and that he had borrowed money from his
24 parents who were helping to pay for his education and
25

1 time, and we discussed the fact of why didn't he go into
2 some type of business; like a trading company.

3 Q When did you have this conversation, while you were at
4 the house in Tuscon?

5 A Yes.

6 Q Was Mrs. Cooney present?

7 A Yes. We all discussed it.

8 Q Did they form such a business?

9 A From talk --- it was mainly getting a place to buy jewelry
10 because the company was going to be a Navaho jewelry trad-
11 ing company.

12 Q You said that Mr. Cooney had two houses in Tuscon. Dur-
13 ing your stay in Tuscon did you have occasion to visit
14 any other house owned by Mr. Cooney?

15 A Yes. Kevin took me to Maybell Street in Tuscon and I
16 happened to notice there was a very large chain-link
17 fence surrounding the whole house.

18 Q How high was the fence?

19 A Maybe five feet.

20 Q Did you go into that house?

21 A Yes.

22 Q What did you observe when you went into that house?

23 A The living room was loaded with, I will say, the complete
24 living room was filled with marijuana.

25 Q Can you describe the marijuana for the Grand Jury?

1 A As I said before, it was in cakes, wrapped in a type of
2 heavy paper, yellow-gray or green and a cake is approxi-
3 mately two pounds, and the room was completely filled,
4 with marijuana, at window level.

5 Q Did Mr. Cooney state to you that this house was used for
6 that purpose?

7 A This was the house that the truck from the airport would
8 unload the marijuana at.

9 Q How was the house furnished?

10 A It was empty. There was no furniture.

11 Q Did Mr. Cooney ever state to you in whose name the house
12 was mortgaged or owned?

13 A It was to Kevin and Chris Cooney.

14 Q Do you remember the number of the house at Maybell Street?

15 A 2337 Maybell.

16 Q How long did you stay in Tuscon in January 1974?

17 A Approximately three days. Then I returned back to Denver.

18 Q Then what happened?

19 A I stayed in Denver for another two days because at that
20 time there were two shows. There was a Western wear
21 show and a Western equipment show, and I stayed for two
22 days and returned to Albany.

23 Q About when did you return to Albany?

24 A The 15th.

25 Q Of January?

1 A Yes.

2 Q Directing your attention to the time when you returned
3 from Tuscon, do you recall any other significant ship-
4 ments coming into the Albany area when you were present
5 or were aware of?

6 A There were various shipments between January and May 1974.
7 I was busy planning Blue Skies and there was times when I
8 was out at Buddy Levy's house at Crescent but I do not
9 know the amounts of the various shipments and the distri-
10 bution of those shipments. The next shipment I was avail-
11 able for was the first week in May 1974.

12 Q Now you mentioned Blue Skies. What is Blue Skies?

13 A That was a store I built in April 1974.

14 Q That was the store that was going to sell Western wear?

15 A Right. Western shirts; Western jewelry.

16 Q And the grand opening was when?

17 A April 15, 1974.

18 Q Directing your attention to May 1974, describe in detail
19 the shipment that you mentioned to the Grand Jury.

20 A Approximately the first week of May 1974 I was out at
21 Buddy Levy's house in Crescent when Bruce arrived in a
22 camper.

23 Q You previously mentioned Bruce. Did you know his last
24 name at the time?

25 A No.

- 1 Q Do you know now?
- 2 A Yes, I do.
- 3 Q Continue.
- 4 A Bruce arrived at approximately sundown and approximately
5 an hour after "Sunny" arrived in a Buick Electra.
- 6 Q How did Bruce arrive? What kind of vehicle was he driv-
7 ing?
- 8 A It was a Ford camper but I am not exactly sure. It was
9 sort of red and white.
- 10 Q Continue.
- 11 A At that time there was a large discussion about the mari-
12 juana brought by Bruce and Sandra and Buddy was upset
13 because there was eight hundred pounds of marijuana,
14 five hundred which came in by Bruce and three hundred
15 which came in with "Sunny"/
- 16 Q Did he state why he was upset?
- 17 A He did not like that much marijuana at one time at his
18 house, even though the first week of May was a good time
19 for marijuana in the Albany area because finals were
20 coming up.
- 21 Q Did he state this or was this your assumption?
- 22 A It was a conversation between Buddy and I. And people
23 would be going home for the summer and buying large
24 quantities.
- 25 Q Did either "Sunny" or Bruce explain why there was this

1 total shipment on that day?

2 A Bruce explained he was supposed to take the five hundred
3 pounds to the Binghamton-Ithaca area but had a very bad
4 feeling because there was some kind of trouble in that
5 area in the early part of '74 and he had decided to
6 bring the load to Buddy instead.

7 Q What was done with the marijuana?

8 A I helped unload the Camper and then the Electra.

9 Q Describe to the Grand Jury the persons present at the
10 time they were delivered?

11 A At the time we unloaded the Camper, it had a false bed,
12 and we had to go into the camper and unload the mari-
13 juana from underneath this false bed. At the time
14 Bruce was present, Sunny was present, Buddy was present,
15 Sandra was present ---

16 Q Go back and say some of their last names.

17 A Bruce, at that time I didn't know his last name. Sunny
18 I didn't know her last name at the time. Buddy Levy,
19 Sandra Brooks, myself and Meg Buecher.

20 Q You say you helped unload the camper; is that correct?

21 A That is correct.

22 Q What did you do with the marijuana after you unloaded
23 it?

24 A We took it to Buddy's back room in Crescent..

25 Q What happened after that?

1 A The marijuana was stored and at that time I took a ship-
2 ment of a hundred pounds.

3 Q Did anybody else share in the distribution at that time?

4 A Later on that evening other people came out while we
5 were partying, because Sunny brought heroin with that
6 load.

7 Q How much heroin did she bring with her?

8 A An ounce.

9 Q You say other people came out to do what?

10 A To share in the distribution of the marijuana.

11 Q Did you notice anybody else that evening?

12 A Yes. Bill Katz, Ellen Kaplan, John Lefebure and Cathi
13 Hession.

14 Q They came out and did what?

15 A Took their individual amounts of marijuana.

16 Q Do you remember today how much they took?

17 A I took a hundred pounds; Bill Katz took approximately
18 a hundred fifty pounds; John Lefebure took approximately
19 a hundred pounds; Bruce took a hundred pounds. That is
20 about all that evening.

21 Q You say you partied that evening?

22 A Yes.

23 Q What did you use to party? Directing your attention to
24 the heroid brought in, was that used?

25 Q Yes. It was told to us that night. The heroin did not

1 belong to Buddy Levy. It belonged to Sunny and she
2 divided it into quarters; sold Buddy Levy a quarter;
3 myself a quarter; Bill Katz a quarter and one eighth to
4 John LeFebure and one eighth to Bruce.

5 Q How much did you pay for it?

6 A Approximately a hundred dollars a gram.

7 Q And you paid how much to her, do you recall? In other
8 words was the going rate a hundred dollars a gram?

9 A Right. I paid her approximately three hundred dollars.

10 Q Was there anything left over from that distribution?

11 A Not at that time.

12 Q Is there any other recollection that you have on May
13 1974 in addition to the shipment you just-described?

14 A Before we go into that, there was another thing. Sunny
15 when she came in said "Kevin said hello, I hope things go
16 good for you at Blue Skies."

17 Q She was talking to you?

18 A Yes. Towards the last of May 1974 Blue Skies had a
19 Western jewelry show. Chris Cooney and Sunny flew in
20 from Tucson with approximately sixty thousand dollars of
21 Navaho jewelry for the show at Blue Skies.

22 Q What were they going to do with the jewelry.

23 A The jewelry was purchased with the money that Kevin was
24 making on marijuana and the idea was to filter the money
25 he was making on marijuana into the jewelry and then in

1 turn sell the jewelry and claim it as a legitimate in-
2 come.

3 Q Did somebody tell you this?

4 A This was the conversation with Chris and myself.

5 Q How did they arrive?

6 A We picked them up at the airport.

7 Q Who is "we"?

8 A Meg and I.

9 Q You picked up who?

10 A Chris and Sunny.

11 Q At the time you picked them up did they already know
12 of the formation of the business?

13 A Yes.

14 Q Explain it to the grand jury.

15 A When I was back in Tuscon we discussed the business in
16 the early part of May and Chris thought of the name
17 Los Cerrillos for the company.

18 Q Continue.

19 A Chris explained to me that they picked the name and that
20 through the jewelry sale as well as some money that she
21 wanted me to filter through my account for her, she was
22 going to open up a checking account in the Los Cerrillos
23 name when she got back to Tuscon.

24 Q Was there a jewelry show held?

25 A Yes. In May 1974, at Blue Skies.

1 Q Getting back to this alleged scheme whereby Mrs. Cooney
2 was to give you money, did she ever give you any money?

3 A Yes. During her stay Chris Cooney received money from
4 Buddy Levy and asked me if I would deposit it in my
5 checking account, my Blue Skies checking account and
6 would I write her checks on my account to Los Cerrillos
7 which I did.

8 Q What would those amounts cover?

9 A Some of the checks were for some selling of the jewelry
10 during the show but most of it was for the sale of
11 marijuana that was going on at the time.

12 Q Is it your testimony that Mrs. Cooney would give you the
13 jewelry to sell for Los Cerrillos Trading Company?

14 A Correct. I had it on consignment.

15 Q And you would pay her the proceeds of the sale of the
16 jewelry in addition to some for marijuana sales?

17 A That is correct.

18 Q And she would give you the total sum of the money from
19 the marijuana sales?

20 A Not all of it. She kept some of it in cash. They were
21 in accounts back in Tuscon but they were going to the
22 Virgin Islands and wanted something in cash.

23 Q During the time she was in Albany in May 1974 do you
24 recall how much money she gave you to put in your company?

25 A There were various checks. Eight hundred; six hundred;

1 five hundred; three hundred; two hundred.

2 Q For your own business records did you indicate in your
3 records or memoranda the checks that you gave to her?

4 A On the checks there were notations that either said
5 "Sale plus" or "P plus". They were merely indications
6 for my own personal knowledge.

7 Q What did "P" mean?

8 A Pot.

9 Q At the time you wrote out these checks did you have a
10 checking account in a local area?

11 A Blue Skies had a checking account in the Colonie Branch
12 of Schenectady Trust Company.

13 Q So that this would be a microfilming?

14 A Yes. There have been various checks I have not been
15 able to find, but some I have.

16 Q How long did this scheme last whereby ^{you} wrote checks
17 for pot and jewelry to Los Cerrillos?

18 A After the jewelry show there were other checks in 1974.

19 (Five checks were marked as Grand Jury exhibits
20 as of this date.)

21 Q Mr. Moskowitz I show you give checks which will be
22 marked Grand Jury Exhibits next in order. Can you
23 identify for the grand jury what those five checks are?

24 A Those are the checks I gave to Chris Cooney on her visit
25 in May 1974.

1 Q Is it your testimony that there are more such checks in
2 existence but that you can't find them?

3 A Yes. Margaret Buscher had access to the account as well
4 as myself and she has been unable to locate some of the
5 statements.

6 Q Go through the checks and tell the Grand Jury what they
7 are.

8 A There is a check here May 30th for one hundred eighty-
9 eight. My notation "Sales plus".

10 Q Made out to who?

11 A Los Cerrillos Trading Company.

12 Q And it says "Sales plus"?

13 A Yes. We sold some jewelry that day and the rest of
14 the money was marijuana.

15 Q Read on.

16 A Next check was June 2nd, eight hundred forty; "sales
17 plus" we sold a coupe of items. And approximately
18 six hundred dollars was marijuana, made out to Los
19 Cerrillos Trading Company. Another check dated
20 May 31, to Los Cerrillos Trading for two hundred twenty.

21 Q What is the notation?

22 A "Sales plus".

23 Q The next check.

24 A Los Cerrillos Trading dated 6/3/74, for one hundred
25 eighty dollars. The notation is "Paul's bracelet."

1 This was a bracelet I bought for approximately eighty
2 dollars but a hundred of it was money for Chris.

3 Another check dated 6/4 to Los Cerillos Trading
4 Company, for two hundred fifty dollars, which was all
5 "pot" money.

6 Q How do you know?

7 A Because my notation is "P plus".

8 Q Those were the only checks you could find at the pre-
9 sent time?

10 A Right. There are others for a thousand, five hundred
11 and so on, which Miss Buecher is looking for.

12 Q And all those checks were written on the Schenectady
13 Trust Company?

14 A Yes.

15 Q Who wrote the particular checks that you just read to
16 the Grand Jury?

17 A I did. All of them.

18 Q Do you recognize your handwriting?

19 A Yes.

20 Q Is it your testimony that Miss Buecher also wrote some
21 checks out?

22 A No. I think I wrote all the checks.

23 Q How long did they stay in the Albany area, that is
24 "Sunny" and Chris Cooney, for the jewelry show?

25 A They stayed for five days. Chris also brought in two

1 ounces of heroin and that was for distribution to the
2 people involved.

3 Q Was this distributed?

4 A Yes.

5 Q Where and when?

6 A Out at Buddy Levy's house. It was divided between my-
7 self, Buddy Levy, John LaFebure, Bill Katz, Ellen Kaplan,
8 Bob Roth, Michele Covin, Sandra Brooks and of course
9 Chris and "Sunny".

10 Q When did this occur?

11 A About two days after they arrived.

12 Q Was any money given to Mrs. Cooney at that time?

13 A The money was given to Buddy. Chris asked Buddy to
14 handle the financial end. She asked Buddy to handle
15 the financial end of the matter because she was involved
16 in the jewelry show.

17 Q How much money was actually given to Christine for this
18 heroin?

19 A I only saw two thousand dollars given to Chris in a two-
20 day period for the heroin. I know there was much more.

21 Q Did you give her any money?

22 A At that time, no. Chris and Kevin gave us the heroin
23 that we received as a sort of a present for the fact we
24 put them up at our house and helping them with the Los
25 Cerrillos and other odds and ends that we were doing

1 for them.

2 Q You said they stayed in the area for about a week?

3 A About four or five days.

4 Q After they left did you receive any acknowledgement from
5 Christine Cooney or "Sunny" for the trip they had taken?

6 A Before they left Christine Cooney received a call from
7 Kevin from Tuscon. Very upset. It turned out Pasquale
8 was murdered while she was away.

9 Q Did she tell you this?

10 A Yes. I was standing next to her when she received the
11 'phone call. She said Kevin was upset and he felt he
12 might be next.

13 Q When she got off the 'phone what did she tell you?

14 A She said Kevin learned that Pasquale was murdered.
15 She used the word "machinegunned".

16 Q Did she tell you where?

17 A In Tuscon.

18 Q Is that all she told you?

19 A She said Kevin was very nervous and upset because he had
20 twenty-five hundred pounds of marijuana at the Maybell
21 house.

22 Q And after that Mrs. Cooney left?

23 A Yes.

24 Q After that did you receive any acknowledgement of the
25 trip they had taken?

1 A Before she left I discussed the fact that Meg Bucher
2 and I would be going out to Tuscon in June and would be
3 interested in driving a load back from Tuscon.

4 Q And did you receive a letter from her?

5 A Yes. We received a gift in the mail, a small Navaho
6 wood basket which had a gram of extremely fine heroin and
7 a letter stating "Thank you for putting us up at the
8 house. This is something for your pleasure. Looking for-
9 ward to seeing you in a few days."

10 Q Did you keep that letter?

11 A Yes.

12 Q And did you find it in your records?

13 A I always kept it. I kept it in the basket that was
14 given to me.

15 Q What is D.E.A.?

16 A Drug Enforcement Agency.

17 Q Subsequently did you -- to whom did you give the letter?

18 A To the agent, Raymond Tripp.

19 Q When did you give it to him?

20 A June 1975.

21 Q And it is your testimony that the letter that you gave
22 to Mr. Tripp was the letter that you received from
23 Christine Cooney after her trip?

24 A Yes.

25 Q Did you in fact go to Tuscon in June 1974?

- 1 A Toward the early part of June, Meg and I drove out to
2 Buddy Levy's house in Crescent where I left my Porche.
3 The Buick Electra was parked there. We took the Electra
4 and drove out to Tuscon.
- 5 Q "We" you mean Meg and you?
- 6 A Yes.
- 7 Q That is Meg Buecher who has appeared before this Grand
8 Jury?
- 9 A Correct.
- 10 Q How many days did it take you to get out there?
- 11 A Approximately four days. We sort of sightseed on the
12 way out.
- 13 Q Prior to going out did you explain to Miss Buecher what
14 the purpose of the trip was?
- 15 A Yes. Meg Bucher and Buddy Levy discussed the trip be-
16 cause they discussed the amount of money we were going
17 to get for the round trip.
- 18 Q How much money was that?
- 19 A The normal fee was twelve hundred, but we wanted eight-
20 een hundred or two thousand for the trip.
- 21 Q What was the purpose of the trip?
- 22 A To pick up a load of marijuana and bring it from
23 Tuscon.
- 24 Q To the best of your recollection was this the first
25 trip you had taken for marijuana?

1 A Yes.

2 Q Did you finally arrive in Tuscon?

3 A We arrived in Tuscon and at a Spanish station we phoned
4 Kevin at the number I had for him at the time, and he
5 drove out and met me at the station and we followed him
6 back to his house. This is the same house I visited in
7 January.

8 Q Did you keep that number that you wrote down for Kevin
9 Cooney?

10 A Yes, I did.

11 Q What did you do with the number?

12 A In June 1975 I turned it over to Raymond W. Tripp.

13 Q After Mr. Cooney picked you up at the gas station you
14 followed him where?

15 A To his house.

16 Q And it was the same one that you visited in January
17 1974; is that right?

18 A Yes.

19 Q What happened after that?

20 A We unloaded our suitcases and then I followed Kevin over
21 to the 2339 Maybell Address. I parked the Buick Electra
22 and then we drove back to the house, had dinner, and
23 partied the rest of the evening.

24 Q Is the Maybell house the one with the fence around it?

25 A Yes.

1 Q After you dropped off the Buick there you drove to the
2 other house?

3 A Yes.

4 Q And did what?

5 A Partied. Began to party and then went to sleep.

6 Q Did there come a time when you went back to the Maybell
7 Street house?

8 A Yes. The following day Meg Bueckner and Chris went
9 shopping. Meg wanted to buy some jewelry. Kevin and
10 I stayed around the house. It was very hot. And the
11 following day Kevin, myself and Meg drove over in his
12 car to the 2334 Maybell Street address and began load-
13 ing suitcases for the Buick Electra.

14 Q What kind of suitcases did you load?

15 A The same green garment bags used previously. Before.

16 Q Was there anything unusual about the car that you were
17 loading? Did you do anything to the car when you put
18 the marijuana in?

19 A All of the cars used in the operation always had very
20 large trunks and in January -- back in 1973 Kevin, when
21 he visited me, said he had a problem with the fact in
22 driving across the country with so many pounds of
23 marijuana the car looked loaded down. I gave him the
24 idea to use air shocks so when the marijuana was in the
25 car all he had to do was inflate the shocks and it looked

1 like there was nothing in the trunk.

2 Q When you loaded the automobile outside of the Maybell
3 Street house were air shocks used for the Buick Electra?

4 A Right. Kevin had a small portable tank and after we
5 loaded the car we inflated the shocks.

6 Q How much did you load?

7 A Close to three to four hundred pounds.

8 Q Who actually loaded the automobile?

9 A Meg and myself.

10 Q Was Christine Cooney present at the time?

11 A I am not sure.

12 Q What did you do after you loaded the automobile?

13 A A Kevin and I were in the house together and we loaded
14 the suitcases. After we loaded the suitcases Meg and
15 I loaded the car, inflated the shocks, and returned to
16 the other house.

17 Q How much did you load in the car?

18 A Approximately three to four hundred pounds.

19 Q Did that represent the entire amount in the Maybell
20 Street house?

21 A No. There were numerous other pounds still in that
22 house.

23 Q What did you do then?

24 A We went in Kevin's Volvo back to the other house.

25 Q And what happened after that?

1 A We had discussed about Los Cerrillos and discussed about
2 the fact that they had accumulated over three hundred and
3 fifty thousand dollars and they planned to take trips to
4 South America to buy gems because there were various
5 auctions going on in Europe and people were buying gems
6 rather than putting the money in the bank.

7 Q Do you remember who discussed the issues of gems?

8 A Chris. Kevin just went along with her.

9 Q Did there come a time when you went back to Maybell
10 Street to pick up the marijuana that you loaded in the
11 car?

12 A The evening that we returned Meg and I had a pretty
13 large fight. She said she wasn't going to drive back
14 with me. I said, "Fine, I will go back myself."

15 Q Did she say why she wouldn't go back with you?

16 A Just sudden pig-headed.

17 Q Did she say why she wouldn't go back with you?

18 A No.

19 Q What happened after that?

20 A Kevin drove me back to the Maybell Street address where
21 I picked up the Electra and left Tucson for Albany.

22 Q What route did you take?

23 A Route 66 over to St. Louis and then 40, 70, and then
24 the New York Thruway.

25 Q How many days did it take you to get to Albany?

1 A I arrived the fourth day.

2 Q So you had to stay in motels?

3
4 A Correct. I stayed in a motel in New Mexico, in St.
5 Louis and outside of Cleveland.

6 Q Do you recall now the names of the motels that you
7 stayed in?

8 A The one in New Mexico was the Holiday Inn in Tujnicarny(?),
9 the one in St. Louis I do not remember the name. It
10 was something like President or Governor something, and
11 the one outside of Cleveland was the Post(?) Western.

12 Q Did you use your own name when you registered?

13 A No.

14 Q What name did you use?

15 A Paul Norman, which is my middle name.

16 Q It is your testimony that this trip took place sometime
17 in June 1975?

18 A Co_rrect.

19 Q What time did you arrive back in Albany?

20 A When I got back to the beginning of the Thruway I cal-
21 led Buddy Levy, told him I would be arriving somewhere
22 around sundown and to make sure that anybody who was
23 there that should not be there had left.

24 Q What happened after that?

25 A I drove from Buffalo to Albany and arrived at Buddy's

1 and arrived at Buddy's house around sundown.

2 Q What did you do when you got there?

3 A Actually when I arrived at the house I did not help un-
4 load the marijuana. I told Buddy I was very tired,
5 wanted to get back to my house, and I got my Porche and
6 drove to my house.

7 Q Did you go back to Buddy's house the next day?

8 A Yes.

9 Q What happened then?

10 A When I got back, Buddy Levy was there, Sandra Brooks
11 was there, Bill Katz was there, and we helped unload
12 the Buick Electra.

13 Q You did help unload it?

14 A Yes.

15 Q What did you do with it?

16 A It was put in the back room that day.

17 Q Was it distributed at that time?

18 A I didn't see the distribution.

19 Q After you arrived from Tuscon did you see Budy Levy
20 socially?

21 A Yes. Buddy and I were very close. I saw Buddy during
22 June, July and August, which were bad times for us.
23 He and his wife were fighting.

24 Q Did you have any conversation regarding a business
25 that Buddy was going to form?

1 A Buddy had the same problems that Kevin had. He was mak-
2 ing a lot of money.

3 Q Did Buddy tell you this?

4 A Yes. We had numerous discussions in May and June about
5 the fact that Buddy Levy needed an outlet for his il-
6 legal monies.

7 Q He said that?

8 A Yes.

9 Q As a result of your conversations was a business formed?

10 A During the summer of '74 Buddy Levy opened up a karate
11 studio.

12 Q Where?

13 A In Latham, New York.

14 Q What was the name of it? Do you know?

15 A Yes. Moo Duk Qwan, on Route 7. I am not sure of the
16 address.

17 Q Did you take part in the formation of the company?

18 A Since I was familiar with formulating corporations I
19 discussed with Buddy numerous ways of formulating the
20 business.

21 Q Did you help him in any other aspect of the business?

22 A I helped him get started with a lawyer and accounting
23 people I knew who had contacts and discussed with him
24 the type of company he should form.

25 Q Did Mr. Levy have any other cooperation in forming the

1 corporation?

2 A Well his father, who was a lawyer in New York City.

3 Q How about the rest of the members of his family?

4 A Buddy Levy got the help of his brother Philip, who was
5 a blackbelt karate expert, who came in to get him start-
6 ed.

7 Q Did you see him when he came up?

8 A Yes. He stayed at my house. And the reason for that
9 was Buddy had dogs, his brother had cats and they stay-
10 ed at my house so they wouldn't get into fights.

11 Q And did Philip Levy engage in conversation with you
12 concerning the formation of the business?

13 A The only conversation I had with Phil Levy was that he
14 was going to be the president of the corporation. Buddy
15 was not going to be.

16 Q Did Buddy Levy ever discuss with you, in the presence
17 of his brother Philip, the source of the money which
18 was going to be used to form this company?

19 A Yes.

20 Q Explain.

21 A Well Buddy Levy felt that the building, as I stated on
22 Route 7 in Latham, needed approximately twelve thousand
23 dollars worth of renovation to get it ready for the
24 studio. Buddy, myself and Phil discussed the fact
25 that Buddy was going to have to go into his safe deposit

1 box and take some of the money he had stored away for
2 the purpose of doing the renovations on the property.

3 Q Is it your testimony that Mr. Harold Levy said he would
4 have to go to the safe deposit box to get the money?

5 A Yes. I went with him.

6 Q Where did you go?

7 A To the State Bank of Albany in Latham.

8 Q What happened then?

9 A I had arranged to --- I was not allowed to go in with
10 him and Buddy came out five minutes later and we drove
11 to the address that was going to be the karate studio.

12 Q And what happened after that?

13 A The money changed hands. Mr. George Hammill(?) accept-
14 ed the twelve thousand; Buddy received a receipt and
15 the money was to be used for the renovation of the
16 building.

17 Q I asked you before did Buddy Levy ever state, in the
18 presence of Philip Levy, what the source of the money
19 was? Try to recollect or give us your opinion.

20 A No. I will have to say that Buddy Levy never said in
21 front of his brother where the money came from.

22 Q Did any discussion ever ensue between you and Mr.
23 Harold Levy concerning how the money was going to be
24 filtered through that corporation? That is the money
25 from the "pot" trade?

1 A Well Buddy and I discussed various methods. Buddy Levy
2 was hoping that the karate studio would do well and
3 through advertising and be able to feed some of the money
4 back into the business and keep it there for tax pur-
5 poses. However the business was not doing well.

6 Q Did he say the business was not doing well?

7 A Right.

8 Q Go ahead.

9 A Buddy and I then discussed using phoney contracts.
10 Buddy Levy had these free introductory coupons and we
11 took various names off the coupons and made contracts
12 for these various people and the contract was for anywhere
13 between two hundred ninety-one, three ninety nine and
14 four hundred forty-four.

15 Q That is three undred ninety nine dollars?

16 A Right.

17 Q O.K. Explain how the scheme developed.

18 A On numerous occasions I was up at the karate studio.
19 And we discussed the various names that we were going to
20 use. We discussed which people or what areas we were
21 going to use, why we shouldn't use various people, and
22 then we would trade the people who signed the coupons and
23 we would use tracing paper to take their signature off
24 the coupon and transpose it on to the contracts.

25 Q Is it your testimony that you did this yourselves?

1 A Yes. I helped him.

2 Q How many times?

3 A Three times.

4 Q Was a name always indicated to you?

5 A Yes.

6 Q By whom?

7 A By Buddy Levy.

8 Q Do you remember any of the names that you typed on
9 to those contracts?

10 A No. It has been a long time.

11 Q You can't remember any of the names that you used?

12 A No.

13 Q Do you remember anybody else preparing those contracts
14 in similar fashion other than you and Buddy?

15 A No.

16 Q Is this company still in existence?

17 A Yes. In fact there is a new Moo Duk Qwan.

18 Q Who is the owner?

19 A The president is Phil Levy.

20 Q Do you know the whereabouts of Buddy Levy?

21 A No.

22 Q Is he working or managing a karate studio, to the best
23 of your knowledge?

24 A Not according to his brother. No.

25 Q After the corporation was formed did you have occasion

1 to go to Buddy Levy's house in Crescent, New York?

2 A After the summer of '74 Buddy and I were at each other's
3 throats over money. We started to become not very
4 close and Meg Buecher sort of became the middlemen be-
5 tween Buddy and I.

6 Q Do you have direct knowledge that there were shipments
7 made to Buddy's house in the summer of '74?

8 A Through conversations with Meg Buecher.

9 Q Did you use Meg Buecher to pick up marijuana for you
10 from Buddy Levy?

11 A Yes.

12 Q When?

13 A There were occasions in September 1974 when Meg and
14 Buddy discussed business for me.

15 Q Outside of your presence?

16 A Right.

17 Q What did you do?

18 A I sent Meg to Buddy's house to talk to Buddy and pick
19 up the marijuana and guarantee him the money back in a
20 certain amount of time.

21 Q How many times did you send her to Buddy's house?

22 A About three times.

23 Q Did she return from those trips?

24 A Yes.

25 Q What did she bring with her?

1 A Marijuana.

2 Q How much?

3 A On one occasion in September it was a hundred pounds.
4 In October it was fifty pounds, forty pounds. They
5 ranged in different amounts.

6 Q What did you do with the marijuana that you received
7 from Miss Buecher?

8 A At that time, in the summer, I met Junion Byrd and he
9 became the distributor of my marijuana.

10 Q Did he give you the money for the marijuana?

11 A He always paid me in cash. Usually hundred dollar bills

12 Q What did you do with the money that you received from
13 him?

14 A Gave it to Meg or took it to Buddy myself. In
15 September I took it over once. In October Meg took it
16 over twice.

17 Q How much did you give Buddy?

18 A In September it was over six thousand dollars; in
19 October five thousand, four thousand.

20 Q During the time that we talked about, August and
21 September were you present at either Buddy's house or
22 somebody else's house when any other shipment of con-
23 trolled substance came into the Albany area?

24 A In September 1974 -- to back track, in October I moved
25 from the Hanson Street address to Rexford, and then

1 -- the address is 8 Sunnybrook Drive -- and then in
2 September I received a visit from John Lefebure who was
3 supposedly living in Nebraska.

4 Q How did you know that?

5 A He told me. But I knew from conversations with Buddy
6 that he was living in Tuscon. At that time John
7 Lefebure brought in two ounces of heroin.

8 Q Where did he deliver it?

9 A To my house. He used my scales to cut out the amount
10 to be left in the Albany area and the remainder to
11 New York City.

12 Q Describe what he did?

13 A He weighed each individual grams for the people in the
14 Albany area and then the rest was wrapped in bulk for
15 New York.

16 Q Did you observe any amounts given to the people in the
17 Albany area?

18 A Yes. I received some of it; Buddy Levy received
19 some of it and Bill Katz received some of it.

20 Q How much was given to Mr. Lefebure?

21 A At that time I received sixteen grams which was approxi-
22 mately seventy five dollars a gram.

23 Q What did you do with yours?

24 A Used it.

25 Q How many times did Mr. Lefebure visit you in September

1 August, October, 1974?

2 A September once, and again in October. Each time bring-
3 ing in a load of heroin.

4 Q When you say a "load" how much do you mean?

5 A Over two ounces.

6 Q In addition to the heroin for -- that went to you, Mr.
7 Katz and Mr. Levy, did you see any heroin retained by
8 Mr. Lefebure?

9 A There were always bulk items going to New York.

10 Q By New York you mean New Y rk City?

11 A New York City. In September I met a friend of John
12 Lefebure's named Tom.

13 Q Do you know his last name?

14 A No. He was just a connection for heroin in the
15 New York City area. Tom was a musician and had con-
16 tacts with various groups.

17 Q During any trip made by Mr. Lefebure to the Albany
18 area in August, September or October, 1974, did he tell
19 you what the source of his heroin was?

20 A On the second visit in October he finally admitted
21 that it was coming from Tuscon and he was involved
22 with Kevin Cooney in Tuscon.

23 Q He mentioned Kevin Cooney's name to you?

24 A Yes.

25 Q After Mr. Lefebure made these deliveries to your house

1 at 8 Sunnybrook Drive, you recall of other instances
2 in the winter or fall of 1974?

3 A - In November 1974 Sonny arrived at Buddy's house with
4 four hundred pounds of marijuana. I happened to be
5 at Buddy's house because he was giving me a lecture.

6 Q What do you mean?

7 A I was very much in cocaine. My business was going down-
8 hill. I was spending a thousand dollars a week on
9 cocaine and Buddy was trying to get me to stop.

10 Q You were present at Buddy Levy's house when a shipment
11 came in?

12 A Right.

13 Q Continue.

14 A It was around sundown. Sonny and Chris Cooney arrived
15 in the Buick electra with a load of marijuana.

16 Q Four hundred pounds?

17 A Four hundred pounds, to be exact.

18 Q What was done with the marijuana?

19 A Buddy and myself unloaded the car for Chris and Sonny.
20 The suitcases were taken to the back room.

21 Q Was there a distribution that occurred on that day?

22 A I didn't see the distribution.

23 Q Did you ever see any distribution on that occasion?

24 A No.

25 Q Who was present when the marijuana came in?

1 A Buddy Levy, Chris Cooney, Sonny, myself and Bruce.

2 Q Was Kevin Cooney present when that marijuana came in,
3 in November?

4 A No.

5 Q When Chris Cooney came in, in November 1974, did you have
6 any discussions with her concerning any incidents occur-
7 ing in New Mexico?

8 A Well there was a problem in September and October in
9 the Albany area. Buddy came to stay at my house. I
10 didn't know the full details. Buddy was very upset.
11 Supposedly a large amount of money was picked up in
12 New Mexico.

13 Q And did you learn about this through conversation with
14 Mr. Levy?

15 A No. I learned about it in November from Chris.

16 Q Go ahead.

17 A Chris mentioned that Andrew Blossy ---

18 Q In what connection did she mention Andrew Blossy?

19 A In connection with the fact he was one of the distributors
20 in the Binghamton area, for Kevin Cooney.

21 Q What did Chris tell you?

22 A That he was stopped in New Mexico with twenty five thou-
23 sand dollars of Kevin's money and that they were trying
24 to get the money back and that Kevin was upset. He re-
25 ceived a telephone call from the federal officials and

1 they were not exactly sure what we were going to be do-
2 ing.

3 Q Is that all she said about Andrew Blossy?

4 A Yes.

5 Q During this trip that Christine Cooney took in November
6 1974 did she and Sonny bring in a controlled substance
7 during that trip?

8 A Yes sir. Sonny had some heroin but not a very large
9 quantity.

10 Q In the Fall of '74 at the time Chris was present, or
11 after she was present in Albany, you have occasion to see
12 Kevin Cooney?

13 A About four days after Chris had left, Kevin Cooney ar-
14 rived from Tuscon. Buddy Levy picked him up at the air-
15 port and he had a quarter pound of cocaine.

16 Q Did you see this?

17 A I participated in the distribution.

18 Q How was it packed?

19 A It was in a zip-lock bag.

20 Q At whose house did he produce it?

21 A Buddy Levy's house.

22 Q What color was it?

23 A White.

24 Q How do you know it was cocaine?

25 A Because I was using it, at the time.

1 Q Did Mr. Cooney receive money for the cocaine?

2 A I gave him a thousand dollars for an ounce of it.

3 Q You see distribution made to any other parties?

4 A I saw distribution to Bill Katz, to Bruce and to Buddy.

5 Q How long did Mr. Cooney stay in this Albany area?

6 A Just a few days.

7 Q Do you know where he went after that?

8 A Do you know how he left the area?

9 A No.

10 Q Did anything else significant happen in December 1974 to
11 the best of your recollection?

12 A On December 23, 1974, coming up the Thruway with a half
13 an ounce of cocaine I was stopped by the New York State
14 Police and arrested for possession.

15 Q Did this end your involvement in the matters that you
16 have been discussing with the Grand Jury?

17 A Yes. Except for knowledge of the people, it stopped my
18 total involvement.

19 Q After your arrest in December 1974, did you have occasion
20 to talk to any of the members or any of the parties
21 that we have been discussing with the grand jury concern-
22 ing the situation of the operation?

23 A In April 1974 I had a discussion with Cathi Hession re-
24 garding the fact that there was marijuana in the area
25 and Buddy was still doing distribution.

1 Q And that is all?

2 A And that is all.

3 Q When was the first time that you spoke to the Drug Enforce-
4 ment Administration in this case?

5 A June 1975, at the Saratoga Correction Center.

6 Q In exchange for your cooperation were any promises made
7 to you?

8 A No.

9 Q Who did you speak to, specifically?

10 A At the time Raymond Tripp from the D.E.A. and Michael
11 Elliott of the Loudonville State Police.

12 Q Did you agree to provide cooperation to the State and
13 Federal authorities?

14 A Yes, I did.

15 Q What in return did you receive for your cooperation, if
16 anything?

17 A I have not received anything, really, except for during
18 the time, since June my sister needed an operation and I
19 borrowed money from the D.E.A.

20 Q So in other words you received money for your coopera-
21 tion?

22 A I told them I would be paying the money for the operation.

23 Q You receive any other money? Did you receive immunity?
24 Have you received promises that you will not be prose-
25 cuted?

1 A Yes.

2 MR. DREYER: I have no further questions. Does
3 the Grand Jury have any questions at this time of
4 Mr. Moskowitz? (No response.)

5 All right, Mr. Moskowitz, you are excused.

6 (Witness excused.)
7 -----
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA, :

4 -against- :

5 KEVIN COONEY, ETALS., :

6 Defendants. :

7 ----- :
8
9 Proceedings in the above-entitled matter
10 were held pursuant to notice at the United States
11 District Court before a federal grand jury duly
12 empanelled for the Northern District of New York, at
13 Albany, New York on January 7th, 1976.
14
15 - - -
16
17
18
19
20
21
22
23
24
25

1 A P P E A R A N C E S:

2 HON. JAMES M. SULLIVAN, JR., United States
3 Attorney for the Northern District of New York,
4 Federal Building, Syracuse, New York 13205, By:
5 WILLIAM J. DREYER, ESQ., Assistant U. S. Attorney,
6 Of Counsel, representing the United States.

7
8 - - -
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ANDREW BLOSSY

called as a witness before the Grand Jury, being first
duly sworn by the Foreman of the Grand Jury, was
examined and testified as follows:

BY MR. DREYER:

Q Please state your full name to the Grand Jury?

A Andrew Blossy.

Q What is your address, Mr. Blossy?

A Ithaca, New York. Right now General Delivery.

Q Do you reside in Ithaca?

A Yes.

Q What is your address?

A 67-1/2 Lane Road.

Q How long have you resided in Ithaca, New York?

A This period of time, two weeks. Up to this time, six
years.

Q What is your occupation, Mr. Blossy?

A Mechanic.

Q Tell the Grand Jury what education you have had?

A I graduated from Ithaca College.

Q From Ithaca College. When did you graduate from Ithaca
College?

A September 1, 1972.

Q Prior to that time, did you have any contact with any
other college as a student?

1 A Well, yes. Westchester Community College.

2 Q When did you go to Ithaca College?

3 A January 1969.

4 Q I direct your attention to September 27, 1974. Do you
5 remember that day?

6 A Yes, I do.

7 Q Did anything unusual occur on that day?

8 A Yes. I was stopped by the New Mexico State Police.

9 Q Where?

10 A I think approximately ten miles east of Las Cruces.

11 Q I want you to recall that day and tell the Jury about
12 what time that happened?

13 A Early afternoon. I think about 1:00 o'clock or so.

14 Q Were you driving an automobile at that time?

15 A Yes.

16 Q What kind of an automobile were you driving?

17 A Two door green Chevrolet, '73 or '74. A relatively late
18 model sedan.

19 Q Did you own that automobile?

20 A No.

21 Q Did you have evidence of ownership with you at that time?

22 A Yes.

23 Q Did you have the registration with you?

24 A Yes.

25 Q Do you know what the registration showed for ownership

1 of the car?

2 A It showed a man's name.

3 Q What name?

4 A Ciola.

5 Q Did you know a Mr. Ciola?

6 A No.

7 Q What State was the car registered in?

8 A New York.

9 Q Tell the Grand Jury the circumstances leading up to the
10 stop?

11 A I was passing a car bearing on a three lane, and I was
12 pulled over for speeding by the State Police. At that
13 time they asked me for my license, registration, what
14 was I doing in the car, and mostly whose car was it.
15 At this point the man's name on the registration, I
16 didn't know his name, I couldn't pronounce it and it
17 was very confusing to myself and the State Police asked
18 whose car it was.

19 Q In other words, you were not able to pronounce the name
20 Ciola?

21 A Yes.

22 Q What happened after that?

23 A They thought it might be a stolen vehicle and wanted me
24 to explain my presence in it, and in the State of New
25 Mexico. I couldn't. I told them it was loaned to me

1 and I was driving cross country. They checked to make
2 sure it was not a stolen car. It was not. They were
3 writing me out a speeding ticket and at that time the
4 man who came with the State Police Sargeant, asked me
5 if I would permit him to look in the trunk of the car.
6 I said yes.

7 Q What happened after that?

8 A They looked in the trunk, found two garment bags. One
9 of them had a small box in it, about the same dimensions
10 of half a shoe box. One of the policemen opened the box
11 up and found quite a lot of money in it.

12 Q What did they do with the money?

13 A Kept it.

14 Q What did they do with the box?

15 A Left it there.

16 Q What did they do with the automobile?

17 A Took it to the police station.

18 Q After they found the material in the back of the car,
19 what did they do then?

20 A Questioned me.

21 Q At the scene?

22 A At the scene, for half an hour, along the road. Sort
23 of brief questioning which described the material. The
24 actual questioning took place fifteen minutes later at
25 Las Cruces State Police Barracks.

1 Q With whom did you speak there?

2 A A policeman by the name of Ring.

3 Q Ring?

4 A Yes. And two federal narcotics police, that I don't
5 remember the name.

6 Q What was the substance of the conversation that you had
7 with those officers?

8 A The crux of the matter was what were you doing traveling
9 through New Mexico with twenty-five thousand six
10 hundred dollars in the car.

11 Q In addition to that, did they recover anything else?

12 A A pipe which I had in my pocket, which was an implement
13 for smoking marijuana, and two ounces of marijuana.

14 Q Do you know of anything that they found in the clothing
15 bags?

16 A At that time?

17 Q Yes.

18 A There was nothing I knew about. Later on there was a
19 small amount of debris that had accumulated.

20 Q At the time they found the money, did you know how much
21 was in the box?

22 A No.

23 Q After you went to the barracks, what happened when they
24 asked you about what you were doing in New Mexico?

25 A They recovered from my hat a slip of paper with the name

1 Michael and Kevin and Christine with numbers.

2 Q Did they ask you who Kevin was?

3 A Yes.

4 Q What did you tell them?

5 A I told them I didn't know specifically who he was, but
6 I was suppose to call that number when I got to the
7 Tuscon area.

8 Q Did they ask you whether you knew Kevin's last name?

9 A Yes.

10 Q What did you respond?

11 A No.

12 Q At that time did you know the last name of Kevin?

13 A At that time, no I didn't.

14 Q Concerning this name Michael on a slip of paper, did
15 the officers ask you if you knew that person?

16 A Yes.

17 Q Did they ask you if you knew his last name?

18 A I said I didn't want to tell them. The fellow was a
19 friend of mine and they should find out for themselves.

20 Q Do you know his name?

21 A Yes. His name is Michael Hauser.

22 Q Where is Mr. Hauser from?

23 A Ithaca.

24 Q How long have you known Mr. Hauser?

25 A Five years.

1 Q Getting back to the time when the police recovered the
2 slip of paper from you, what else did they recover?

3 A They were interested in who the people were. Obviously
4 they seemed to be under the impression that I was going
5 to pick up a load of drugs.

6 Q Why were they under that impression? Did you make that
7 statement to them?

8 A No. There was what you might call an obvious situation.
9 The money was there and the two bags in the car and I
10 couldn't account for it.

11 Q You are assuming that that was their impression at the
12 time?

13 A Yes.

14 Q What happened after that?

15 A They called the--they took the paper from me and called
16 up the phone number.

17 Q Speak up. Talk to the Grand Jury.

18 A They called the Arizona phone number next to the man
19 named Kevin.

20 Q How do you know they called that number?

21 A I was sitting at the desk when the officer called.

22 Q Who called?

23 A One of the officers. I don't know who it was.

24 Q Were they dressed in uniforms?

25 A No. I feel it was a federal officer but I am not sure.

1 They called up the Tuscon number.

2 Q How do you know they called the Tuscon number?

3 A I am not sure. But they said they were going to.

4 Q And did they use the slip of paper that you had?

5 A Yes.

6 Q Was there any device on when they called, if you recall?

7 A There might have been a tape recorder.

8 Q Was there anything set up that you know it was a record-
9 er?

10 A Yes. It was a small external speaker. They called the
11 number and a woman answered and he said, "This is
12 Andy. I am calling from Las Cruces, New Mexico. The
13 engine blew up." The voice at that time had not been
14 identified. She said, "Are you Michael Zandi," and
15 the policeman said yes. He was asking for this man
16 named Kevin, and the voice said, "Kevin is not here."
17 And she said, "Call back in an hour."

18 Q And at that time you were sitting in the police barracks?

19 A Yes.

20 Q After that telephone call, what happened?

21 A More general questions of my presence there, who was
22 Kevin, what are you doing here.

23 Q There came a time when you observed one of those officers
24 making another telephone call utilizing that same piece
25 of paper?

1 A Yes. Approximately an hour after the same woman
2 answered indicating that the man had not called. At
3 that time the New Mexico police seemed satisfied and
4 said, "We will put you in a motel."

5 Q Prior to doing that, you indicate that you had more
6 conversation with them between the first and second
7 telephone call?

8 A Yes.

9 Q Specifically, do you remember the nature of the con-
10 versation?

11 A What they were trying to find out is whether I was
12 employed in transporting or buying or selling of
13 narcotics interstate, and stuff like that. And who are
14 these names. Did you know how much money was there?
15 Are you supposed to pick anything up? Questions of that
16 nature.

17 Q Did you tell them at the time that you were going to
18 go to a certain location?

19 A No.

20 Q Did you tell them that you were heading for a certain
21 State?

22 A Yes, I told them I was going to Tuscon.

23 Q You tell them for what purpose you were going there?

24 A Yes. Of those two numbers supplied to me, I was to call
25 one when I got within the Tuscon area, and the person

1 who would be there, and I was never instructed who it
2 was to be, would be there if I called him, and I would
3 be at that point instructed where to go and surrender
4 the keys to the car to whoever met me there.

5 Q In Tuscon?

6 A Yes.

7 Q You said nothing to the police officer of what you were
8 going to do with the car after you delivered the box of
9 money?

10 A I was not supposed to deliver a box of money to anybody
11 or anything that was in the car. I was instructed not
12 to touch it. As a matter of fact, the F.B.I., the
13 police asked what I was supposed to do and I said I was
14 supposed to deliver the car, get a plane ticket and fly
15 back.

16 Q Did you state to the police officers at that time that
17 you would make yourself available to drive a load back
18 from Tuscon for one thousand dollars?

19 A No.

20 Q You did not state that to the State Police?

21 A No, I didn't.

22 Q You ever state to the State Police that you were going
23 to be employed to carry back a load for one thousand
24 dollars?

25 A No. I said the offer had been made to me.

1 Q Explain that.

2 A Two years ago, August or September of 1973, the same
3 mentioned man, Michael, at one point asked or suggested
4 if I would be willing to drive a car across country.
5 The destination would have been from Michigan where it
6 was to come from, to out west, and I would be paid a
7 thousand dollars for the trip.

8 Q This offer was before 1974?

9 A Yes.

10 Q And you said this to the police?

11 A Yes.

12 Q And the offer came from this Michael Hauser?

13 A Yes.

14 Q You said the police put you up in a motel?

15 A Yes, which I paid for.

16 Q Which you paid for?

17 A They could not pay for it.

18 Q What happened after that?

19 A They indicated that they would be by early in the morn-
20 ing, 9:00 o'clock, that they would take care of the
21 speeding ticket, and meet me there.

22 Q For what purpose would they meet you?

23 A They didn't explain.

24 Q Did they ask you to cooperate in the investigation they
25 were conducting?

1 A At the time they did. They wanted me to drive the car
2 and would follow me, and I said no.

3 Q What happened on the morning of the 23th?

4 A I waited around the motel until 12:30. Nobody showed up
5 and I left. I got a Greyhound ticket and went back to
6 Ithaca.

7 Q You purchased the ticket?

8 A Yes.

9 Q With what?

10 A The remaining money I had in my pocket. It was eighty-
11 six dollars. The ticket cost eighty-five dollars and
12 fifty-cents.

13 Q You said you were stopped in New Mexico sometime in the
14 early afternoon of September 24, 1974?

15 A Yes.

16 Q Where were you coming from?

17 A Ithaca.

18 Q When did you leave Ithaca, New York?

19 Q Either Monday or Tuesday of the same week.

20 Q Where were you going?

21 A To Tucson.

22 Q What was the purpose of your trip to Tucson?

23 A Specifically to transport this car from one place to
24 another.

25 Q Were you employed for this purpose?

1 A I was offered two hundred and fifty dollars to do it.

2 Q State to the Grand Jury the circumstances surrounding
3 your being offered two hundred and fifty dollars to
4 take this car to Tuscon, Arizona?

5 A What led up to it?

6 Q Yes.

7 A Pretty much a meeting on the street, an informal con-
8 versation I had with Michael.

9 Q This is Michael Hauser?

10 A Yes.

11 Q When did that take place?

12 A I don't know. It must have been a week or a couple of
13 weeks before the actual trip took place.

14 Q You can't pinpoint the date?

15 A Yes.

16 Q You knew Michael Hauser at that time?

17 A Yes. I had previous association with that man back
18 about 1971. In February we had been living on the same
19 street, University Avenue, Ithaca, New York, a block
20 away from each other. At that point we were both down
21 on our luck with money.

22 Q This was in 1971?

23 A Yes. February. He came up to me with a possibility he
24 knew a man who could offer me a couple of bricks of
25 marijuana meaning pressed blocks, and would I be willing

1 to help him sell them. I said, "Yes".

2 Q This is in 1971. Before we get back to '71, jumping
3 ahead to '74, what did he tell you when he met you on
4 the street, concerning the trip to New Mexico and
5 Arizona?

6 A "Would you be willing to drive this car for two hundred
7 and fifty dollars cross country."

8 Q Did he explain the circumstance of the trip?

9 A No, he didn't.

10 Q Did he tell you whether it was related in any way with
11 this previous offer of driving loads of marijuana?

12 A No, he never did.

13 Q In 1974, did he tell you how much money was to be
14 delivered to Tuscon?

15 A That became part of the bargain.

16 Q Explain the circumstances that led up to your finding
17 out that money was to be delivered.

18 A It was pretty informal. Michael speaking to me, he said,
19 "You would take some money with you;" and I said, "Yes".

20 Q Did he tell you how much?

21 A No.

22 Q Did he tell you what the money was going to be used for?

23 A No, he didn't.

24 Q Did he tell you where the money came from?

25 A No. I didn't know.

1 Q At the time Mr. Hauser met you and made the initial
2 offer to drive the automobile for two hundred and fifty
3 dollars, was anybody else there?

4 A I think his girlfriend Susan was there.

5 Q Did she do any talking?

6 A No.

7 Q Concerning the subsequent meeting when you were advised
8 about the money, was she present too?

9 A No. I can't remember whether she was there. This was
10 at the house.

11 Q In other words, this took place at Mr. Hauser's apart-
12 ment?

13 A At the house.

14 Q At the time Mr. Hauser made the offer to you, where was
15 he living?

16 A I don't know the name of the road. It was a small
17 housing complex across from the New York State Junction
18 that comes into Ithaca on Route 13. I don't know the
19 name of the road.

20 Q Did you and Mr. Hauser ever sit down and make plans for
21 your trip to Arizona?

22 A Yes we did. We made travel plans. He pretty much asked
23 what route I would like to take. In other words, do you
24 want to go through the mountains. Take your choice.

25 Q Did he tell you that he would call and make arrangements

1 about your arrival?

2 A No.

3 Q He tell you when you arrive in Tuscon?

4 A No. There was no time specified. Take your time. Get
5 there when you can.

6 Q Did he map out the route?

7 A No. It was more or less up to me to go the way I wanted
8 to.

9 Q What route did you take?

10 A New York, Pennsylvania, West Virginia, Arkansas, Texas
11 and New Mexico.

12 Q At the time you left, did you know the garment bags were
13 in the automobile?

14 A Yes.

15 Q Did you know whether there was anything in those garment
16 bags?

17 A I knew they were empty.

18 Q Did you know what the garment bags were to be used for?
19 Did he make any statements?

20 A Something about having to use them again, but he made
21 no specific statement. Just "we will use them again."

22 Q Did he tell you what they had been used for in the past?

23 A No. But I was assuming at that time that they had been
24 using them for shipping marijuana. It wasn't told me
25 but the thought occurred to me, but I didn't ask questions.

1 at that point.

2 Q And he didn't tell you the source of the twenty-five
3 thousand dollars?

4 A No.

5 Q How many days did it take you to get to the point in
6 New Mexico where you were stopped?

7 A I think I left on Monday and was driving eight hour days
8 until I was stopped.

9 Q During the trip, did you make any phone calls back to
10 Michael Hauser or to the phone number of Kevin?

11 A No.

12 Q Did you ever indicate approximately when you would arrive
13 in Tuscon, Arizona?

14 A No.

15 Q So you had no contact with anybody from the time you
16 left New York State until you were stopped in New Mexico;
17 is that correct?

18 A Yes.

19 Q You stated before that you knew Mr. Hauser for a period
20 of five years. When did you first become acquainted
21 with Mr. Hauser? Under what circumstances?

22 A Students.

23 Q At Ithaca College?

24 A At Ithaca College.

25 Q You started to tell the Grand Jury about an approach he

1 made to you in '71 concerning drugs?

2 A Yes.

3 Q Go back to the start and tell the Grand Jury what he
4 told you in 1971?

5 A More or less that we could get an operation in drugs,
6 and, "if you want to help me sell them" meaning you
7 wouldn't have to pay for the stuff, that you ship it out
8 to another direction.

9 Q When was this?

10 A February. But the specific day I don't know.

11 Q Did he tell you where these drugs would come from?

12 A Yes, from a man named Marty Wishner, but I am not sure.

13 Q Did he tell you what geographical location this
14 marijuana would come from?

15 A Not specifically. I got the indication it was coming
16 from out west. I didn't hear Tucson mentioned. It was
17 put as, "from out west", but I don't really know where
18 from.

19 Q Concerning Wishner, was he also a student at Ithaca
20 College?

21 A He was, but not at that time.

22 Q Did you know him personally?

23 A Vaguely.

24 Q And in 1974, Wishner's name was mentioned to you as a
25 source of the drugs supplied to you or Mr. Hauser?

1 A Yes.

2 Q Were those drugs ever supplied to you by Mr. Hauser?

3 A Yes.

4 Q When?

5 A At what time?

6 Q In February '71.

7 A Yes.

8 Q Can you describe the circumstances under which they were
9 delivered to you?

10 A I didn't get them. Hauser did. I more or less got a
11 call from Michael saying, "Come on up, Andy. There is
12 some drugs here," and it looked like he had it in a foot
13 locker.

14 Q Where was this located?

15 A In his house.

16 Q What happened when you got there?

17 A Nothing. We looked at it.

18 Q Do you know how much was in there?

19 A Twenty-five or thirty pounds.

20 Q What was done with the so-called drugs?

21 A They were cut into individual pounds and sold.

22 Q Did you take part in the selling of those drugs?

23 A Yes, I did.

24 Q Was Mr. Wishner ever present when those drugs were dis-
25 tributed?

1 A No.

2 Q How many times after this February transaction did you
3 get involved with Mr. Hauser in selling drugs?

4 A Not too often. That was the first time. I think we
5 went through a grand total of eighty pounds on that
6 particular occasion. I couldn't say that it was more
7 than once or twice. There was never more than one or
8 two pounds sold on my part.

9 Q Was this the first time that you worked with Mr. Hauser?
10 Had you worked with him previous in selling any drugs,
11 from the time you sold the marijuana in 1971? Did you
12 engage in the business with Mr. Hauser in selling drugs
13 other than marijuana?

14 A No.

15 Q You have any information whether Mr. Hauser had cocaine
16 or any other substance?

17 A I was never interested in that and I don't think he was
18 either.

19 Q Between 1971 and the time you were stopped in New Mexico,
20 did you use marijuana personally?

21 A Yes.

22 Q What was the source of your marijuana? Was Mr. Hauser
23 one of the sources?

24 A Actually no. My sources were my nickel and dime
25 connections.

1 Q After February 1971, did Mr. Hauser ever call you and
2 say another load has come in, will you help me unload it?
3 That ever happen?

4 A Yes.

5 Q How many times?

6 A I would say two or three times.

7 Q Do you remember the times, the dates?

8 A I would say once every four weeks.

9 Q Did he ever tell you where those loads were coming from?
10 Did he ever tell you that Mr. Wishner had delivered those
11 loads to him?

12 A After the first time, one was delivered, he said, "This
13 will turn us on" and I assumed it was his, but he never
14 mentioned it again.

15 Q You said the first load in February 1971 was approximately
16 twenty-five to thirty pounds?

17 A No.

18 Q Was that the largest load?

19 A No. It was one case-full and out of that we sold
20 eighty-six or ninety pounds.

21 Q Based on your own experience, do you remember what type
22 of marijuana this was?

23 A Mexican marijuana. That is what everybody called it.

24 Q What do you mean "everybody"?

25 A Well, there is Columbian and Mexican, and this was

1 Mexican.

2 Q Who is "everybody"?

3 A Us. That is what we called it. I assume that this came
4 from Mexico.

5 Q Did you ever see Mr. Wishner involved in any of these
6 transactions which took place between you and Mr. Hauser?

7 A No. Hauser always went and picked it up.

8 Q Did he always bring it back in the same type of suitcase?

9 A Yes.

10 Q How much money did you make from the operation?

11 A I believe we made five dollars apiece from each pound.

12 Q And each shipment was one or two kilos?

13 A About that.

14 Q During your relationship with Mr. Hauser, did you meet
15 any other persons involved with Mr. Hauser in dis-
16 tributing or picking up marijuana?

17 A Over the period of five years?

18 Q Yes.

19 A I think one man might have been involved in picking it
20 up. A man named Kenny Hecht. He is the only person I
21 could think of that might conceivably have an association
22 with Michael Hauser.

23 Q What information do you have that he did pick up a load?

24 A Hearsay.

25 Q What are you basing your impression on? What is the basis

1 of your information?

2 A We all pretty much ran along the same company when I
3 got my offer to drive the thousand dollar thing in '73.

4 Q What do you mean "company"?

5 A Just a group of friends. People Hauser might know, I
6 knew too. Ran in the same society.

7 Q So in this relationship, you became friendly with Mr.
8 Hecht?

9 A He was a roommate of mine in '70.

10 Q So there were people involved in this association?

11 A Yes.

12 Q You said that you--singled out Mr. Hecht?

13 A I am not sure. It could have been another person in much
14 the same category as mine. Pretty much out of work.

15 Q Did Mr. Hecht ever tell you that he had driven in a load?

16 A Not really, although I think he did.

17 Q What do you mean by that?

18 A He suddenly got a haircut one day. Up to that point he
19 was long-haired, and all of a sudden he is short-haired.

20 Q What did he tell you?

21 A He didn't tell us anything, but one day he is long-haired
22 and the next day it is short. It was pretty much what
23 he had to cut his hair for.

24 Q What did he say?

25 A He never admitted it as such, but then he was gone for

1 two weeks and came back.

2 Q Do you have any information as to where he went?

3 A He never told me. I was not that close friends. I
4 didn't see him every day.

5 Q You have information from other persons which led you
6 to believe that Mr. Hecht was driving a load?

7 A No, nobody ever actually told me it. Michael Hauser
8 never told me that so-and-so did this and that.

9 Q Do you know where Mr. Hecht is now?

10 A Living in Ithaca.

11 Q Does Mr. Wishner live in Ithaca also?

12 A I don't know.

13 Q To the best of your knowledge, Mr. Hauser is also living
14 in Ithaca?

15 A Yes.

16 Q In addition to Mr. Hecht, or other than Mr. Hecht, do
17 you have information or direct knowledge that anybody
18 was engaged by either Hauser or Wishner to drive a load
19 or haul a load?

20 A No.

21 Q Directing your attention to the 28th of September, 1974,
22 you said you got on a Greyhound bus and came back to New
23 York State?

24 A Yes.

25 Q Describe the circumstances of your arrival in New York

1 State?

2 A When I got into the Ithaca bus station, Hauser was wait-
3 ing for me. I think I called a friend of mine before-
4 hand.

5 Q You say Mr. Hauser was at the bus station when you
6 returned?

7 A Yes.

8 Q So he must have known that you were coming on that bus?

9 A Yes.

10 Q Do you know how he knew that?

11 A One of the stops in New York City, I must have called in
12 and told him--I think--I don't remember this well--I
13 didn't have a car--I said, "Will you meet me. I want
14 somebody up there when I come back."

15 Q What happened after you got off the bus?

16 A Obviously there was an interview. He had sent me out
17 with a car with twenty-five thousand dollars in it, and
18 I came back with nothing. It was more or less, "what
19 happened? What happened to the money? What happened
20 to the car? Did you tell the police anything?"

21 Q And did you explain what happened in New Mexico?

22 A Yes.

23 Q Included in your information, did you tell Mr. Hauser
24 the police had recovered the slip of paper?

25 A Yes.

1 Q Did you also tell him that the police had called the
2 phone number for Kevin?

3 A Yes.

4 Q What did Mr. Hauser have to say? Do you recall anything
5 specific?

6 A Nothing specifically. I told him, but it didn't seem
7 to register as anything noteworthy. There was really
8 nothing said at that instance.

9 Q Did there come a time when you saw Mr. Hauser again and
10 engaged with him in conversation concerning this trans-
11 action?

12 A A couple of times, yes.

13 Q What was the substance of your conversation with Mr.
14 Hauser?

15 A At that point it was being impressed on me that Michael
16 Hauser wanted to remain as anonymous as possible, and
17 if anybody asked questions I should not tell them any-
18 thing.

19 Q Did he say that to you, that you should remain silent?

20 A Yes. He said, "I sure as heck wish you wouldn't tell
21 anybody what the last name of Michael was that was on
22 the slip of paper."

23 Q But he didn't tell you who Kevin was?

24 A No.

25 Q Did you ever learn who Kevin was?

1 A No, I have not.

2 Q Concerning your arrival back in Ithaca, New York, did
3 you tell any lawyer anything about the problem of the
4 twenty-five thousand dollars?

5 A Yes.

6 Q What did you say?

7 A A month later I called Mr. Kerrigan, a lawyer. I got
8 served with a lawsuit of some sort from New Mexico which
9 I think in effect said, "What are you going to do with
10 this car or the twenty-five thousand dollars which was
11 confiscated from me." The State was trying to find out
12 what in effect was going to be done about it.

13 Q Does the name Oppordoch mean anything to you?

14 A Yes. Out there I saw a man named Jerry Oppordoch. I
15 think he was a lawyer employed by someone to recover the
16 money.

17 Q Are you aware that your name was on the affidavit that
18 Mr. Oppordoch filed to recover the twenty-five thousand
19 dollars out in New Mexico?

20 A I don't know specifically what mechanics he did. I spoke
21 to a lawyer in Ithaca. The idea was to surrender my
22 rights.

23 Q Do you know to whom you were supposed to surrender those
24 rights?

25 A No.

1 Q Did Mr. Oppordoch ever call you on the telephone?

2 A No.

3 Q Did you send an affidavit indicating to whom those rights
4 were to be surrendered?

5 A Mr. Kerrigan, the lawyer representing me at that time,
6 went into this surrendering of rights, but the specifics
7 I was never told about.

8 Q Do you know what became of the twenty-five thousand
9 dollars?

10 A No, I don't.

11 Q Did you ever receive the twenty-five thousand dollars
12 back?

13 A No.

14 Q In recent months or weeks, have you received any word,
15 message, telegram or check from Mr. Oppordoch?

16 A No, I have not.

17 Q Do you know of any persons involved other than you and
18 Hecht involved in this so-called company of people that
19 you referred to who based on your observation of them,
20 who would have information concerning the shipments of
21 marijuana that you described?

22 A No.

23 Q Do you know whether anybody has knowledge of Mr. Hauser
24 being involved in the transportation of large quantities
25 of marijuana to Ithaca, New York?

1 A No, I don't.

2 Q Do you know the names of any persons other than Mr.
3 Hecht who knew specifically of Mr. Hauser's or Mr.
4 Wishner's operations in Ithaca, New York?

5 A No

6 Q How many times did you see Mr. Hauser after your arrival
7 back in 1974?

8 A After the first time in '74, there was one or two,
9 probably in November, after which all things were handled
10 by Mr. Kerrigan, and Hauser had employed a lawyer, so
11 I didn't have anything to do with Hauser except a week
12 ago.

13 Q What was the substance of your meeting a week ago?

14 A I was lying in bed. There was a knock at the door. He
15 approached me saying, "This thing"--I forget his exact
16 words--he kind of surprised me really--he said, "Don't
17 be freaked out if you get a subpoena to testify to a
18 Grand Jury." That pretty much was the substance of the
19 conversation.

20 Q What did he do after that?

21 A He left.

22 Q But was there nothing said other than the statement you
23 just made to the Grand Jury?

24 A No.

25 Q Did he make any statements to you concerning Kevin?

1 A No.

2 Q Did you ask him why he thought you might be freaked out
3 by getting a subpoena?

4 A I didn't ask him. He pretty much told me, "If you
5 remain silent or say as little as possible what happened
6 out west, you won't be in trouble."

7 Q Did he tell you how he knew you were getting a subpoena?

8 A No. At that time I had already gotten one. I was up
9 here three or four weeks ago. I had been subpoenaed,
10 and it was suggested that I don't contact anybody involved
11 with the situation, and I didn't.

12 Q Who made that suggestion to you?

13 A You did.

14 Q After that suggestion was made, did you contact anyone
15 other than your lawyer?

16 A No.

17 Q Do you know if Mr. Hauser engaged the same law firm that
18 you engaged?

19 A No, he didn't.

20 Q To handle his legal problems?

21 A No.

22 Q So you had no information from him as to how he knew you
23 were going to be called before the Grand Jury?

24 A No.

25 BY THE JURY:

1 Q Who is your lawyer now, Kerrigan?

2 A Yes.

3 BY MR. DREYER:

4 Q That is Mr. James Kerrigan of Ithaca, New York?

5 A Yes.

6 Q Directing your attention to the time prior to September
7 1974, you ever have occasion to drive to Tuscon,
8 Arizona, prior to September 1974?

9 A No.

10 Q Were you ever in Tuscon, Arizona, prior to September
11 1974?

12 A No.

13 Q Do you know a man named Kevin Cooney?

14 A No, I don't.

15 Q Do you know a person by the name of Christine Cooney?

16 A No.

17 Q In addition to driving, you ever go to points west prior
18 to September 1974, for the purpose of engaging in a
19 delivery of marijuana?

20 A No, I didn't.

21 Q For the purpose of picking up marijuana?

22 A No, I didn't.

23 Q Is it your testimony that you were entrusted with the
24 twenty-five thousand dollars on or prior to the 27th
25 of September, 1974, without being told what the twenty-

1 five thousand dollars was for; is that correct?

2 A Yes.

3 Q And you were not told the amount at that time?

4 A That's right.

5 Q After your incident in New Mexico, you ever go to Tuscon?

6 A No.

7 Q After September 1974, did you ever travel out west?

8 A No.

9 Q After September 1974 or before 1974, did you go to any
10 other locations, the Virgin Islands, Mexico, or other
11 locations, to pick up or deliver marijuana?

12 A No.

13 Q Did you have any business with Mr. Hauser concerning
14 delivering or picking up marijuana after September 1974?

15 A No. The only trip I made out west was a sightseeing
16 trip to Minnesota. I was thinking of moving out there.

17 Q You said before you had no connections with any college
18 in the Albany-Troy-Schenectady area?

19 A That is correct.

20 Q Have you ever been in Albany before?

21 A Not previous to this with the Grand Jury.

22 Q Never been in Albany before?

23 A Once, three weeks ago.

24 Q Before that?

25 A Yes. A friend of mine named George Coates lives in

1 Schenectady and I visited him.

2 Q Are you familiar with Latham, New York?

3 A I think I heard the name in regard to a high school, but
4 I am not familiar with it.

5 Q You have been in Schenectady, have you not?

6 A Yes.

7 Q What other areas around here have you been in other than
8 Schenectady, New York?

9 A I am not sure. That is it.

10 Q Did Mr. Hauser ever mention to you whether his dealings
11 in marijuana involved any persons in the Albany, New
12 York area?

13 A No, sir.

14 Q Binghamton, New York?

15 A No, sir.

16 Q Elmira, New York?

17 A I was not treated to the specific information.

18 Q You said it was a year prior to September 1974, when you
19 had been offered a thousand dollars. Did you accept the
20 offer at that time?

21 A No.

22 Q Why did you not accept it?

23 A It was more or less think about it and come back and tell
24 me if you will do it. The way it was put, I never went
25 back to see him. I saw him on the street a month after

1 and said, "Listen, I won't do this" and he at that time
2 I think said, "Forget it" or something like that.

3 Q You also said in 1971, Mr. Hauser said there was an
4 opportunity to make money?

5 A Prior to '74?

6 Q In 1971, Mr. Hauser approached you and said there was
7 a chance to make some money?

8 A Yes.

9 Q Did he tell you that the money would be derived only
10 from selling marijuana?

11 A That was our understanding, drugs.

12 Q He ever indicate to you at any time that other drugs
13 were available?

14 A No, he didn't.

15 Q When you arrived in Ithaca from New Mexico, after being
16 stopped in New Mexico, did Mr. Hauser ever tell you that
17 he was going to call this person Kevin and tell him what
18 had happened?

19 A No, I had already told him what had happened. No, he
20 never really said that to me.

21 Q He ever indicate to you that he knew this person Kevin?

22 A Yes, I would say yes, he must have indicated it some-
23 where along the line.

24 Q Speak up so the jurors can hear you.

25 A I think the indication is that he knew him. I can't

1 say how, but I thought it was fairly obvious that he
2 knew him to give me the phone number.

3 Q And it is your recollection when the phone call was
4 made by the agent for you in Tuscon, that the person
5 responded by saying, "Michael's Andy?" Is that correct?

6 A Yes.

7 Q Do you know Buddy Levy?

8 A No.

9 Q Harold Levy?

10 A No.

11 Q John LeFevre?

12 A No.

13 Q John Tibbetts?

14 A No.

15 Q Ellen Kaplan?

16 A No.

17 Q William Katz?

18 A No.

19 Q Curtis Ponzi?

20 A

21 Q [redacted] Cohn?

22 A No.

23 MR. DREYER: I have no further questions
24 for this witness.

25 THE FOREMAN: Anybody else?

1

(No response).

2

MR. DREYER: Thank you, Mr. Blossy. You

3

are excused and are instructed not to discuss

4

your testimony before the Grand Jury with any

5

persons. Thank you.

6

(Witness excused).

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

R E P O R T E R ' S C E R T I F I C A T I O N

I, F. ROBERT JORDAN, Official Grand Jury
Reporter for the Northern District of New York,
do certify that the foregoing is a true and accurate
transcription of the stenographic notes as taken by
me during the aforesaid proceedings.

F. Robert Jordan

Official Grand Jury Reporter

June 28, 1976

Albany, New York

M A R G A R E T C. B U E C H E R

called as a witness before the Grand Jury, being first
duly sworn by the Foreman of the Grand Jury, was ex-
amined and testified as follows:

BY MR. DREYER:

Q Please state your full name?

A Margaret Catherine Buecker.

Q What is your occupation, Miss Buecher?

A I am unemployed at the moment.

Q What is your residence?

A 1065 Avon Road, Schenectady, New York.

Q Is that your permanent address?

A I am living in Florida at the present time.

Q Who lives at Avon Road?

A My mother.

Q Do you know a man by the name of Paul Moskowitz?

A Yes.

Q How long have you known Paul Moskowitz?

A Approximately two and a half years.

Q Do you recall when you met Mr. Moskowitz?

A April, 1973.

Q Do you recall the circumstances when you met him?

A I was working in the Bank of New York, he came to my

1 Q Did you have a conversation with him at that time?

2 A Yes.

3 Q As a result of your meeting with him did you go out with
4 him socially?

5 A Yes.

6 Q Frequently or infrequently?

7 A Frequently.

8 Q As a result of your meeting him, did you have occasion to
9 meet friends of Mr. Moskowitz?

10 A Yes.

11 Q Did Mr. Moskowitz introduce you to friends of his?

12 A Yes.

13 Q Do you recall whether Mr. Moskowitz introduced you to a
14 friend named Harold Levy?

15 A Yes.

16 QB By what name did you know Mr. Levy?

17 A Buddy.

18 Q Did Mr. Moskowitz introduced you to other friends of his?

19 A Yes.

20 Q Did those friends also know Mr. Levy?

21 A Yes.

22 Q Could you tell the grand jury who those persons were that
23 you met after your meeting with Mr. Moskowitz in the
24 bank?

25 A Bill Katz. Ellen Kaplan. Sandra Brooks. Kevin Cooney.

1 Christine Cooney.

2 Q Those were friends of Mr. Moskowitz that you subsequently
3 met?

4 A Yes.

5 Q I direct your attention to April 1973 after your initial
6 meeting with Paul Moskowitz. Did you have occasion after
7 your meeting to go to Mr. Moskowitz' home in Albany?

8 A Yes.

9 Q Where was that located?

10 A 220 Hanson Street.

11 Q You go there frequently or infrequently?

12 A Frequently.

13 Q Do you recall in April 1973, while you visited Paul
14 Moskowitz ever meeting anyone by the name of Ellen Kaplan?

15 A Yes.

16 Q Please explain the circumstances of that meeting?

17 A I was eating lunch at Paul's house and Ellen and Bill
18 drove up in a car to be stored in Paul's garage.

19 Q Who was that?

20 A Ellen Kaplan and Bill Katz.

21 Q Did they make any statements about the car?

22 A He was not there at the time. I was there.

23 Q What did they say?

24 A Just they dropped off the car.

25 Q Can you describe the car?

- 1 A Plymouth Fury, dark green, white top and white interior.
- 2 Q Do you recall the license plates?
- 3 A No.
- 4 Q Did you have a conversation with them that day at all?
- 5 A Yes.
- 6 Q Was it just small talk?
- 7 A Yes.
- 8 Q Was that the first time you saw Ellen Kaplan?
- 9 A As far as I know.
- 10 Q Is that the first time you saw William Katz or Bill
- 11 Katz?
- 12 Q As far as I know.
- 13 Q After this meeting with Ellen Kaplan and Bill Katz you
- 14 have occasion to go to Harold Levy's house?
- 15 A Yes.
- 16 Q Do you remember where his house was located?
- 17 A On Loudon Road.
- 18 Q Where is that?
- 19 A Loudonville.
- 20 Q How many times did you go there after you met Paul?
- 21 A A few times.
- 22 Q Directing your attention again to April 1973, did you while
- 23 you were at Mr. Levy's house ever see Ellen Kaplan and
- 24 Bill Katz, did you -- the two people whom you described

1 house at 85 Old Loudon Road?

2 A Yes.

3 Q In what month of the year?

4 A April 1973.

5 Q Can you tell the Grand Jury what you remember about
6 those two individuals at Buddy Levy's house?

7 A I was sitting inside of Buddy's house.

8 Q What were you doing there?

9 A Getting high.

10 Q Getting what?

11 A Getting high.

12 Q What were you using to get high?

13 A Pot.

14 Q All right. Continue.

15 A Bill and Ellie came in carrying suitcases.

16 Q Came in from where?

17 A Came in from outside. They came in the front door carry-
18 ing suitcases.

19 Q You observe them come in some kind of a vehicle?

20 A I didn't see them drive up.

21 Q When you arrived at Buddy's house were there any strange
22 vehicles in the driveway?

23 A No.

24 Q Later on, after you observed them carrying suitcases in
25 did you observe a car in the driveway?

- 1 A Yes.
- 2 Q What kind of a car was it?
- 3 A Plymouth Fury.
- 4 Q What color?
- 5 A Dark green, beige top and beige interior.
- 6 Q Did you observe the license plates?
- 7 A No.
- 8 Q Did you observe the suitcases?
- 9 A Yes.
- 10 Q Did you observe what was inside the suitcases?
- 11 A No.
- 12 Q Where did they take the suitcases?
- 13 A Upstairs.
- 14 Q What kind of suitcases?
- 15 A Green color suitcases.
- 16 Q Anybody tell you what was in those suitcases, that you
- 17 can recall?
- 18 A No.
- 19 Q You said that you were getting high; is that correct?
- 20 A Yes.
- 21 Q Using pot?
- 22 A Yes.
- 23 Q Tell the Grand Jury if you were so high that you cannot
- 24 recollect what was happening at that time?
- 25 A No.

1 Q So right now, in 1975, you can recall what was happening
2 in 1973 despite the fact that you were high?

3 A Yes.

4 Q After the bags or the suitcases were taken upstairs did
5 you see anybody else go upstairs?

6 A Buddy.

7 Q Just Buddy?

8 A Yes.

9 Q Did Mr. Moskowitz ever go upstairs?

10 A I don't recall.

11 Q Do you recall if Mr. Moskowitz had been going back -- did
12 you go back to Mr. Moskowitz' home thereafter?

13 A Yes.

14 Q Do you recall if Mr. Moskowitz brought anything with him
15 back home?

16 A I don't remember.

17 Q Now, Miss Buecher, I now direct your attention to the
18 period immediately after April 1973. Did you socialize
19 with some of the people that we mentioned frequently or
20 infrequently?

21 A Frequently.

22 Q Did you go to Mr. Levy's house frequently?

23 A Yes.

24 Q Do you recall any other specific gatherings at Buddy
25 Levy's house at 85 Old Loudon Road, in the Spring or

1 or early Spring of 1973?

2 A No.

3 Q I now direct your attention to the summer of 1973 and ask
4 you if you know whether or not Mr. Levy moved from Old
5 Loudon Road?

6 A Yes.

7 Q Do you know where he moved to?

8 A Crescent.

9 Q Did you observe the house in Crescent that he moved to?

10 A Yes.

11 Q Did you help him move to the house in Crescent?

12 A Yes.

13 Q Can you explain how you helped him move?

14 A Driving his belongings, that were in the car, out to the
15 other house.

16 Q Let's put Crescent aside for a moment. Did you during
17 the Spring of 1973 become friendly with the person you
18 named as Ellen Kaplan?

19 A Yes.

20 Q You told the Grand Jury you believe the first time you saw
21 Ellen Kaplan was when she delivered the automobile to
22 Paul Moskowitz' house; is that right?

23 A Yes.

24 Q By the Spring of '73 had you developed your relationship
25 with Ellen Kaplan?

1 A Yes.

2 Q Describe the relationship. Was it just a friendly rela-
3 tionship or was there more to it?

4 A Friendly.

5 Q Did you have any business dealings with her?

6 A No.

7 Q Sometime during the Spring of '73 did you have occasion
8 to go to Ellen Kaplan's house at all?

9 A Yes.

10 Q Do you remember where she lived?

11 A She lived on Morris Street, in Albany.

12 Q Did you ever visit her at Morris Street?

13 A Yes.

14 Q Do you remember any specific conversations that you had
15 with her on Morris Street?

16 A Not at Morris Street, no.

17 Q Sometime after that did Miss Kaplan move?

18 A Yes.

19 Q Where did she move to?

20 A Central Avenue.

21 Q Where is that located?

22 A Albany.

23 Q Did she move to that address with someone else?

24 A Yes.

25 Q With whom?

- 1 A Bill Katz.
- 2 Q Did she live with Mr. Katz, to the best of your recollec-
- 3 tion?
- 4 A Yes.
- 5 Q After moving to the Central Avenue address, did you see
- 6 her?
- 7 A Yes.
- 8 Q And did you socialize with her?
- 9 A Yes.
- 10 Q Frequently?
- 11 A Yes.
- 12 Q Directing your attention to the summer of 1973, did you
- 13 have conversations with her?
- 14 A Yes.
- 15 Q Where did they take place?
- 16 A At her house, on Central Avenue.
- 17 Q Were you alone with her?
- 18 A There were other people in the house.
- 19 Q For example?
- 20 A Paul.
- 21 Q You recollect a specific conversation that you had with
- 22 her?
- 23 A Yes.
- 24 Q Did any of the other people hear this conversation?
- 25 A No.

1 Q Will you recount to the Grand Jury what that conversation
2 was?

3 A Ellie related to me the scare she had when she and Bill
4 Katz drove the "pot" car from Tuscon to Albany.

5 Q Did she tell you whether she drove it to or from any
6 other place?

7 A No.

8 Q After she told you that, did she tell you anything else?
9 Did she tell you specifically about the trips that she
10 took?

11 A Yes.

12 Q What did she tell you?

13 A She mentioned that they had some trouble with the police,
14 when they stopped the car, and a large amount of money
15 that they had was taken by the police.

16 Q Where did that happen?

17 A Minnesota.

18 Q Did she tell you anything else?

19 A No.

20 Q Did Miss Kaplan ever mention anything to you concerning
21 the rules of the road?

22 A Yes.

23 Q Will you tell the Grand Jury what she told you.

24 A Some of the rules were that you were supposed to drive
25 during the daylight hours during heavy traffic so you

1 wouldn't be noticed. There was to be no driving at
2 night or early morning.

3 Q Was there -- did she tell you about the rule concerning
4 the appearance of the drivers?

5 A To look as straight as possible - that you are a tourist

6 Q She tell you anything else that you recollect?

7 A No.

8 Q Do you remember that this conversation took place in the
9 summer of 1973?

10 A Yes.

11 Q Do you remember what month?

12 A No.

13 Q Do you remember what day?

14 A No.

15 Q Do you remember that it was in her home on Central Avenue?

16 A Yes.

17 Q Do you remember if it occurred shortly after she moved
18 to Central Avenue?

19 A Yes.

20 Q A few weeks?

21 A Maybe a month.

22 Q Maybe a month. You can't pinpoint it for us?

23 A No.

24 Q But you do remember that she told you that?

25 A Yes.

1 Q Do you remember specifically visiting with anyone in
2 August 1973?

3 A Yes.

4 Q Can you tell the Grand Jury what it is that you remember?

5 A Paul was out at Buddy's house in Crescent and he called
6 me to come out.

7 Q Where were you?

8 A It was at 220 Hansom Street.

9 Q Were you living at 220 Hansom Street or visiting?

10 A I was living there.

11 Q When did you moved to 220 Hansom?

12 A June or July.

13 Q When Paul Moskowitz called you did you -- did he identi-
14 fy himself?

15 A I recognized his voice.

16 Q What did he say to you?

17 A He said to come on out; he needed my help.

18 Q He tell you what he was needing your help for?

19 A He was driving the Volkswaggon at that time. He needed
20 my car because he didn't have enough room in his Volks-
21 waggon.

22 Q Enough room for what?

23 A Suitcases of pot.

24 Q Did he tell you he had suitcases of pot?

25 A Not right then.

- 1 Q Did you know he had suitcases of pot?
- 2 A Not until I went there.
- 3 Q What happened after you got there?
- 4 A We got high.
- 5 Q On what?
- 6 A On pot.
- 7 Q Who gave you this pot?
- 8 A Buddy, I presume.
- 9 Q You don't remember?
- 10 A No.
- 11 Q As a result of your going there did you have occasion to
- 12 do something with the suitcases?
- 13 A The suitcases were put in my car.
- 14 Q Did you put the suitcases in your car?
- 15 A No.
- 16 Q Try to recount what you did after you got there?
- 17 A Socialized.
- 18 Q Do you remember going to a specific place somewhere in
- 19 the house?
- 20 A No.
- 21 Q Do you remember going to a back bedroom?
- 22 A No.
- 23 Q And did somebody put the suitcases in your car?
- 24 A Yes.
- 25 Q Who?

1 A I can't remember.

2 Q Do you remember observing at the Crescent address what
3 was in those suitcases?

4 A No.

5 Q There came a time when you did observe what was in the
6 suitcases?

7 A Yes.

8 Q When was that?

9 A After I drove back to 220 Hansom Street.

10 Q And what happened?

11 A Paul and I took the suitcases upstairs in one of Paul's
12 extra rooms and opened them up.

13 Q What did you see?

14 A Pot.

15 Q How much pot?

16 A I couldn't estimate.

17 Q Could you describe how the pot looked?

18 A It was packaged in bricks -- heavy paper.

19 Q In heavy paper?

20 A Right.

21 Q What color was the pot?

22 A Green.

23 Q Did you observe -- after you saw what was in the suitcase
24 what was done with what you describe as pot?

25 A It was cleaned up a little bit and repacked.

- 1 Q And repacked?.
- 2 A Right.
- 3 Q Was it placed somewhere in the Hansom Street home?
- 4 A Yes.
- 5 Q Where?
- 6 A In the same room. In the guest room.
- 7 Q At some time thereafter did you see Mr. Moskowitz do any-
- 8 thing with this pot?
- 9 A Yes.
- 10 Q What did you see him do with it?
- 11 A He gave it to Curt Ponzi.
- 12 Q Who is Curtis Ponzi?
- 13 A A friend.
- 14 Q Was that the first time you met Mr. Ponzi?
- 15 A I believe so.
- 16 Q Did Mr. Ponzi come to the Hansom Street address?
- 17 A Yes.
- 18 Q What did you see specifically take place?
- 19 A Paul took some of the bricks and put them in a brown
- 20 shopping bag and gave it to Curt.
- 21 Q Did Curt leave the house with the brown shopping bag?
- 22 A Yes.
- 23 Q Did you see any money change hands?
- 24 A No.
- 25 Q Do you remember who was present when you went out to

1 Buddy Levy's on the day Paul called you in August 1973?

2 A Paul, Buddy, Bruce -- I don't recall if there was anyone
3 else?.

4 Q Who is Bruce?

5 A I don't know.

6 Q Do you know his last name?

7 A I believe it is Bruce Kay.

8 Q You didn't know at that time?

9 A No.

10 Q You are still not sure today that it is Bruce Kay?

11 A Right.

12 Q After this incident when you allegedly picked up pot
13 from Buddy Levy's house, did you continue to socialize
14 with Buddy Levy and others?

15 A Yes.

16 Q After August 1973 did you meet an individual by the name
17 of Kevin Cooney?

18 A I don't believe so.

19 Q Did there come a time after August 1973 when you were at
20 Buddy Levy's house, when you observed an unusual incident,
21 such as another shipment?

22 A Yes.

23 Q Will you describe for the Grand Jury what you mean?
24 First of all what month was it?

25 A It was in November of 1973.

1 Q And where were you at the time?

2 A I am not sure.

3 Q Were you at Mr. Levy's house in Crescent or aren't you
4 sure?

5 A No.

6 Q But you just told me that you saw a shipment come in.
7 Where was it that you saw the shipment come in, or don't
8 you recall?

9 A I don't recall where I was -- whether I was there when it
10 came in or not.

11 Q Did anything unusual happen in November?

12 A Yes.

13 Q Give the Grand Jury your best recollection of what hap-
14 pened?

15 A "Sunny" who is Sandra Hunt was out at Buddy Levy's with
16 cocaine and pot.

17 Q Did you observe this girl "Sunny" at Buddy Levy's?

18 A Yes.

19 Q So then sometime in November you were at Buddy Levy's
20 and you did see this girl "Sunny" is that correct?

21 A Right.

22 Q What specifically did you see when you were at Buddy
23 Levy's?

24 A Cocaine.

25 Q And who had it?

1 A "Sunny".

2 Q What did she do with it?

3 A We got high on it.

4 Q Did this girl "Sunny" produce it from someplace, do
5 you recall?

6 A I don't recall.

7 Q Did you see this alleged cocaine in her possession?

8 A Yes.

9 Q What color was it?

10 A White.

11 Q Do you recall whether she made any distribution with it?

12 A She put some out on the table.

13 Q Did she put it out on the table on that day in November?

14 A Right.

15 Q What happened after that?

16 A We got high.

17 Q How did you get high?

18 A Snorting it.

19 Q What is "snorting it"?

20 A Breathing it in by the nose.

21 Q And that is the way the persons who use it do it to get
22 high?

23 A Yes.

24 Q Do you remember if anybody did get high other than you?

25 A "Sunny", Paul, Buddy.

1 Q Was all the cocaine consumed by the persons who were
2 snorting it?

3 A No.

4 Q Do you remember when -- you remember it was not consumed?

5 A Not at that time, no.

6 Q Do you remember what was done with the cocaine that
7 remained?

8 A It was put away.

9 Q Do you recall who took it from the table, if anyone?

10 A "Sunny", I believe.

11 Q You believe it was "Sunny" but you cannot recollect for
12 sure?

13 A No.

14 Q Did you give "Sunny" or anybody any money for the cocaine?

15 A No.

16 Q You see any money change hands on that date?

17 A Not that I can recall.

18 Q How long did you stay at Buddy Levy's house on the day
19 that you observed "Sunny" there?

20 A Couple of hours.

21 Q During that time when you were there in November and when
22 you saw "Sunny" did you observe any large quantities of
23 marijuana?

24 A No.

25 Q Did there come a time when you did observe it?

1 A Yes.

2 Q Explain please.

3 A Buddy had a back room, a storage room, and there is where
4 his pot was kept.

5 Q Did you see it that day in November, this so-called back
6 room?

7 A I don't remember if I saw it that specific day.

8 Q Did you see it sometime in November?

9 A Yes.

10 Q Sometime in November did you have occasion to go back
11 there?

12 A Yes.

13 Q What did you see?

14 A Pot.

15 Q How much?

16 A A lot.

17 Q Could you describe what you saw? You know, briefly
18 describe it.

19 A O.K. A number of suitcases full of drugs and this pot
20 in the back room. He had a vacuum cleaner there too.

21 Q Can you describe how high or wide the stack was that you
22 saw or if you can't do it that way do it the way you
23 can do it.

24 A A number of suitcases full.

25 Q And you saw what was inside those suitcases?

1 A Yes.

2 Q How soon did you observe that after you observed "Sunny"
3 in November, 1973?

4 A I can't recall specifically.

5 Q Can you tell the Grand Jury how the cocaine was packed,
6 on the day you used it in November 1973?

7 A Plastic bags.

8 Q Can you tell the Grand Jury how you are sure it was
9 cocaine?

10 A From previous experience.

11 Q So in November 1973 you were sure what you used was
12 cocaine?

13 A Yes.

14 Q During the November period, when you observed either
15 the pot or this girl "Sunny" did you see any money ex-
16 change hands among the people in the group that we have
17 been discussing?

18 A Not that I can recall.

19 Q You recall Buddy Levy giving anybody any money?

20 A Yes.

21 Q What do you remember?

22 A He gave money to Ellen and Michele.

23 Q Who is Ellen?

24 A Ellen Kaplan and Michele Covin. He gave them a wad
25 of money.

1 Q Did you hear him say anything to them?

2 A He asked them if they would go and change the money for
3 him.

4 Q Change it where?

5 A At local banks.

6 Q He say anything else to them in your presence that you
7 can recall?

8 A No, not that I can recall.

9 Q Did you take part in this alleged changing of money?

10 A I drove Ellie and Michele around to the banks.

11 Q How many banks did you drive around to?

12 A Maybe six or seven.

13 Q What happened when you drove them to the banks?

14 A They got out of the car, they went into the banks and I
15 suppose they did their business and came back in the car.

16 Q Did either one of them tell you specifically what they
17 were doing?

18 A No.

19 Q When Buddy gave them this wad of money did he explain to
20 them the pattern of changing this wad of bills? Did he
21 tell them to go to some one bank?

22 A No.

23 Q Did he tell them to go to more than one bank?

24 A Yes.

25 Q What did he tell them, if you can recollect?

1 A I don't remember specifically.

2 Q You said a moment ago that you did not know Kevin Cooney
3 in the summer of '73.

4 A Yes.

5 Q Did there come a time in 1973 when you met Kevin Cooney?

6 A Yes.

7 Q When did you meet him?

8 A December.

9 Q Do you recall the circumstances under which you saw him?

10 A Yes.

11 Q Describe it, please.

12 A I met him out in Buddy Levy's and he came to the 220
13 Hansom Street address and stayed there for a few days.

14 Q Do you recall where he came from?

15 A Tuscon.

16 Q Did he tell you he came from Tuscon?

17 A Yes.

18 Q Did he tell you the purpose of his trip?

19 A No.

20 Q How long did he say in the Albany area?

21 A A few days.

22 Q Did he stay at the Hansom Street address during that
23 period?

24 A Yes.

25 Q The whole time?

- 1 A Yes.
- 2 Q During the time he stayed at the Hanson Street address,
3 do you recall Kevin Cooney producing any drugs?
- 4 A Yes.
- 5 Q What did he produce?
- 6 A Heroin.
- 7 Q How much heroin did he produce?
- 8 A Oh, at least an ounce.
- 9 Q Did he tell you it was heroin?
- 10 A No.
- 11 Q Somebody tell you it was heroin?
- 12 A No.
- 13 Q How did you know it was heroin?
- 14 A Previous experience.
- 15 Q So you used the heroin that he produced?
- 16 A Right.
- 17 Q Can you tell the Grand Jury what the color of the sub-
18 stance was?
- 19 A Pale brownish-green.
- 20 Q How was it packed?
- 21 A Plastic bag.
- 22 Q You see anybody pay Kevin Cooney for the substance used?
- 23 A I don't recall.
- 24 Q Do you recall if the entire substance was consumed?
- 25 A Yes. It wasn't.

1 Q Where was the substance that was not consumed? In other
2 words when Kevin Cooney produced it, did he give it to
3 somebody, or put it someplace?

4 A Put it on the table.

5 Q You see the substance consumed by the persons present?

6 A Snorted.

7 Q Who snorted it?

8 A Myself, Kevin, Buddy, Paul.

9 Q Were there any other persons present other than the ones
10 you just mentioned, to the best of your recollection?

11 A Not for certain, no.

12 Q You say he put it down on the table. After the persons
13 you mentioned snorted it how much remained, to the best
14 of your recollection?

15 A About half an ounce was left.

16 Q Do you recall what was done with the half ounce that
17 remained?

18 A Kevin took it and put it back up in the room where he
19 was staying.

20 Q Did you see Kevin take it?

21 A Yes.

22 Q During the trip that Kevin took to Albany in December
23 1973, did he ever make any statements to you concerning
24 the marijuana operation?

25 A Not that I can recall.

1 MR. DREYER: Let's go off the record.

2 (Discussion was had concerning a future appear-
3 ance of Margaret Buecher, which the Court Reporter
4 was asked not to take.)

5 (Witness was excused.)

6 -----
7
8 (Whereupon the above-entitled proceedings were
9 adjourned to a later date.)
10 -----

MARGARET BUECHER

recalled as a witness before the Grand Jury, having previously been sworn, was examined and testified further as follows:

BY MR. DREYER:

Q Miss Buecher you understand you are still under oath.

A Yes.

Q The last time you appeared before the Grand Jury you testified concerning events occurring in the year 1974; do you recall that?

A Yes.

Q I now direct your attention to January 1974. Do you recollect January of 1974?

A Yes.

Q Where were you living in January 1974?

A 220 Hanson Street, in Albany.

Q With whom were you living at the time?

A Paul Moskowitz.

Q Do you recall any unusual event occurring in January 1974?

A Yes.

Q Explain.

A Paul Took a trip to Denver, Colorado for a Western wear show.

Q Did you go with him?

1 A No.

2 Q What did you do?

3 A I stayed at 220 Hanson Street.

4 Q How long was Paul gone?

5 A About a week.

6 Q Do you recall when he arrived back in the Albany area?

7 A Specifically?

8 Q Yes.

9 A No.

10 Q Do you recall whether you received any 'phone calls from
11 Paul while he was in Tuscon or Denver?

12 A Yes.

13 Q Do you recall the nature of the conversation?

14 A He called me from Denver and told me he was going to
15 visit Kevin and Chris in Tuscon.

16 Q Meaning who?

17 A Kevin and Chris Cooney.

18 Q Did he call you at any other time during his trip?

19 A No.

20 Q When Mr. Moskowitz subsequently arrived back in the Albany
21 area did Mr. Moskowitz discuss with you any aspects of
22 his trip?

23 A Yes. He said he went to Tuscon and visited Kevin Cooney
24 and Chris Cooney and went down to Mexico with Kevin and
25 met a man named Pasquale.

1 Q Did he tell you anything else?

2 A Specifically?

3 Q Yes.

4 A I don't recall.

5 Q During the winter of 1974, that is January and February,
6 did you continue to socialize with the person you pre-
7 viously testified about, Harold Levy?

8 A Yes.

9 Q What was the nature of your relationship with Harold
10 Levy.

11 A Friendship.

12 Q During the early part of 1974 do you recall any specific
13 conversations you had with Harold Levy?

14 A Yes.

15 Q Explain to the Grand Jury what those specific conversa-
16 tions were and when they took place?

17 A Starting in February of '74, Buddy and I -- Harold ---

18 Q Who you knew as "Buddy"?

19 A Right.

20 Q (Continuing) --- started to have several conversations.
21 He talked about business, that is his business was good
22 and that he needed money outlets.

23 Q That he needed what?

24 A Money outlets.

25 Q Do you recall specific conversations with him concerning

1 those money outlets?

2 A Yes.

3 Q In the winter of '74?

4 A Yes.

5 Q Do you recall what he told you about those money outlets?

6 A Yes.

7 Q What did he say?

8 A He said he was considering setting up a business to
9 filter his money through and the purchase of a boat,
10 possibly.

11 Q He ever tell you that he purchased the boat?

12 A Yes.

13 Q When did he tell you that he purchased the boat?

14 A It was I believe later that year.

15 Q He ever show you the boat?

16 A I saw a picture of it.

17 Q How did you see the picture of it?

18 A He showed me it.

19 Q Describe the boat?

20 A It appeared fairly large, possibly thirty, forty feet,
21 an inboard.

22 Q He tell you where he got it from?

23 A From a broker in Annapolis, Maryland.

24 Q He tell you where it was docked? Do you recall did he
25 ever tell you?

1 A I don't recall.

2 Q Did he tell you it was moored in Annapolic or around the
3 Maryland area?

4 A I believe it was there. He talked about it being towards
5 New York City.

6 Q Did he tell you the source of the money he used to pur-
7 chase that boat?

8 A Specifically, no.

9 Q Did he tell you how much money he had at the time you
10 had this conversation with him about business outlets?

11 A No.

12 Q Did he tell you where he was keeping his money?

13 A No.

14 Q How many such conversations did you have with Mr. Levy
15 during the winter of '74?

16 A Several.

17 Q Did he ever discuss with you specific business ventures
18 during the winter of 1974?

19 A Yes.

20 Q What was the nature of the venture?

21 A He was considering opening up a karate studio.

22 Q Did he tell you that?

23 A Yes.

24 Q Leaving this topic of outlets of funds for the moment,
25 I direct your attention to the Spring or rather the

1 late winter and the Spring of '74, you say you continued
2 to see Buddy Levy? Socially.

3 A Yes.

4 Q Where did you see him?

5 A Generally at his house in Crescent.

6 Q During this period of time we discussed, did you see any
7 shipments of marijuana similar to the ones you described
8 previously, at Buddy Levy's house in Crescent, New York?

9 A Yes.

10 Q Will you describe please.

11 A Twice I had occasion to visit Buddy when Sandra Hunt and/ ^{Sonny}
12 came in with loads of pot and heroin.

13 Q And when was this?

14 A February and March.

15 Q Do you remember when the shipments came in?

16 A Yes.

17 Q Describe for the Grand Jury what happened.

18 A It happened twice. Buddy and I were sitting in his
19 living room just chatting and Sandra drove up.

20 Q Was this in February, March?

21 A I don't remember the specific date.

22 Q Do you recollect it was during the specific period that
23 it was either February or March?

24 A Right.

25 Q All right. Continue.

3 Q What kind of a car was it?

4 A I don't recall.

5 Q Who was present besides you and Buddy?

6 A No one.

Q What did Sandra and is it Sonny?

A Sandra Hunt, yes, sir.

Q What did they do with the marijuana?

10 A They put it in Buddy's back room.

11 Q Did they do anything more with it?

12 A Not that I saw.

13 Q Did you see Buddy do anything with that marijuana?

14 A Just put it in the back room.

Q Did you see the suitcases opened?

16 A Yes.

Q So you did observe the substance in the suitcases?

A Yes.

Q That is what you are referring to as marijuana?

A Yes.

Q How was it packaged?

A In brick form, in paper. Sometimes with cellophane.

Q Did anybody tell you how much marijuana was in the load?

A No.

Q Do you know how much there was?

1 A Specifically, no.

2 Q How many suitcases were brought into the house?

3 A Several.

4 Q You say you observed Sonny bring such marijuana more than
5 once?

6 A Yes.

7 Q You also observed a similar transaction in March 1974?

8 A Yes.

9 Q What I am driving at is this. How many such transactions
10 did you observe in March or February 1974?

11 A A total of two, that I can recall.

12 Q Concerning those two transactions who were the parties
13 present? Did the parties ever change, the parties
14 that were present?

15 A No.

16 Q How about the drivers?

17 A No.

18 Q State who the drivers were?

19 A Sandra and Sonny.

20 Q And those were the persons who brought the marijuana
21 in both times?

22 A Yes.

23 Q Did Miss Hunt ever bring in other substances other than
24 marijuana?

25 A Yes.

1 Q What?

2 A Heroin.

3 Q How much?

4 A Couple of ounces.

5 Q She tell you where she got the heroin from?

6 A Specifically, no.

7 Q She tell you where she got the marijuana from?

8 A Specifically, no.

9 Q What was done with the heroin to the best of your
10 knowledge?

11 A Some of it, the three of us got high.

12 Q How much did you consume, that is the three of you?

13 A A couple of grams, I would say.

14 Q Was there any heroin left over after the consumption
15 by you three?

16 A Miss Hunt took it.

17 Q Was any money given to Miss Hunt for the heroin?

18 A That I can't recall witnessing.

19 Q In other words you didn't give her money for the item?

20 A No.

21 Q Is it your testimony on two occasions, February and
22 March, miss Hunt brought in heroin?

23 A Yes.

24 Q That is on more than one occasion she brought in heroin?

25 A Yes.

1 Q Do you recall any other shipments in the winter and
2 the spring of '74?

3 A I think in May.

4 Q What happened in May? First of all let's direct your
5 attention to May 1974. Do you recall a shipment in the
6 early part, middle part or end of May?

7 A Early part of May.

8 Q Describe to the Grand Jury what you recollect.

9 A Buddy received a double shipment.

10 Q Were you present?

11 A I don't recall.

12 Q How do you know that he received a double shipment?

13 A I recall being there later in the day.

14 Q At Buddy's house?

15 A Yes.

16 Q At Crescent, New York?

17 A Yes.

18 Q What do you remember seeing when you were at Buddy's
19 house?

20 A There was a red and white camper parked outside and
21 another car. I don't recall what it was. Bruce and
22 Sonny were both inside and there was Buddy in the back
23 room.

24 Q Did you see pot in the back room?

25 A Yes.

1 Q Did anybody tell you how much pot was in the back room?

2 A No.

3 Q Did you observe the pot?

4 A Yes.

5 Q Did anybody tell you how many shipments were brought in
6 that day?

7 A Yes.

8 Q What did they tell you?

9 A That Bruce came in with one load in the early afternoon
10 and a couple of hours later Sonny came in with another
11 load.

12 Q Who told you that?

13 A I don't recall.

14 Q Do you recall any discussions as to why two loads came
15 in?

16 A I don't remember.

17 Q Did you know Bruce's last name at that time?

18 A No.

19 Q Did you observe the distribution of that marijuana?

20 A I don't recall.

21 Q Do you recall any other substance being brought in other
22 than marijuana?

23 A Yes.

24 Q What?

25 A Heroin.

1 Q How much?

2 A A couple of ounces.

3 Q What was done with that heroin?

4 A Got high on some of it.

5 Q In other words it was distributed to the persons present?

6 A Yes.

7 Q What persons were present at that time?

8 A Bruce, Buddy, Sonny and myself. I believe Paul might
9 have been there.

10 Q Will you repeat that?

11 A I think Paul might have been there.

12 Q Did Sonny or Bruce tell you what the source of that
13 heroin was?

14 A No.

15 Q Did they tell you what the source of the marijuana was?

16 A No.

17 Q Did you hear anybody else present mention the source of
18 the heroin?

19 A Specifically? I don't recall.

20 Q After the shipment was brought in did Mr. Levy say any-
21 thing that you can recall? If you cannot recall just
22 say you cannot recall.

23 A I don't recall.

24 Q Was Kevin Cooney's name ever mentioned?

25 A From time to time, yes.

1 Q Did Mr. Levy, Mr. Harold Levy, known to you as Buddy,
2 ever state to you that the source of this marijuana
3 and heroin was Kevin Cooney? We are talking about the
4 May shipment now.

5 A I don't recall.

6 Q In May 1974 did Mr. Levy ever leave his house after the
7 shipment?

8 A Yes.

9 Q For what purpose?

10 A As far as I know to call Kevin Cooney.

11 Q How do you know he was going to call Kevin Cooney?

12 A Once he stated, and I don't remember to who it was,
13 after the shipment came in, that he had to go call Kevin.

14 Q Did he say why he had to call Kevin?

15 A To say things were all right.

16 Q Do you recall when Mr. Levy left his house to call
17 Kevin Cooney which specific time he did this? Was it
18 for the transaction that you just testified about?

19 A No.

20 Q So you cannot say it was in May 1974; is that correct?

21 A Right.

22 Q In May 1974 do you recall any other shipment or any
23 other instance which sticks out in your mind today?

24 A Yes.

25 Q What?

1 A Chris and Sonny came in.

2 Q When?

3 A It was late May.

4 Q Do you remember for what purpose they came in?

5 A They came in for the jewelry show at Blue Skies.

6 Q Christine and Sandra Hunt?

7 A Chris Cooney and Sonny Hunt.

8 Q Did they bring anything with them?

9 A Heroin.

10 Q How much?

11 A A couple of ounces.

12 Q What did they do with the heroin?

13 A Consumed a little of it.

14 Q Who consumed it?

15 A Mrs. Cooney, Miss Hunt, myself, Paul.

16 Q Where was it so consumed?

17 A Some at Blue Skies; some at the Hanson Street address.

18 Q Was any money given to Mrs. Cooney or Sandra Hunt for
19 this heroin?

20 A I don't recall.

21 Q Did they bring any other substance with them in May
22 1974?

23 A Not that I know of.

24 Q During Mrs. Cooney's visit and Miss Hunt's visit, did you
25 engage in conversation with them concerning the

1 marijuana operation?

2 A Just that business was good.

3 Q Do you recall any specific statements made by Mrs.
4 Cooney concerning the business?

5 A That business was good and she was looking for money
6 outlets.

7 Q Did she say what kind of money outlets she was looking
8 for?

9 A Yes. Some. She was considering buying gems, buying
10 jewels.

11 Q Did she tell you how much she had?

12 A No.

13 Q To invest, that is?

14 A No.

15 Q Did she make any other statements concerning business
16 outlets?

17 A Yes.

18 Q Would you explain.

19 A She talked about filtering money through Los Cerrillos
20 with the help of Blue Skies.

21 Q What was Los Cerrillos?

22 A It was a company that was handling jewelry.

23 Q It was a company owned by whom, to the best of your
24 knowledge? You don't know?

25 A As far as I know herself, and possibly Kevin.

1 Q What did she say about filtering money from Los Cerrillos
2 through Blue Skies?

3 A She wanted us to write Blue Skies checks to Los Cerrillos
4 for the jewelry and also filtering ---

5 Q By "us" who do you mean?

6 A Paul and myself.

7 Q Did you ever undertake to do this for her?

8 A Yes.

9 Q Did you specifically do it?

10 A Yes.

11 Q How many times?

12 A Myself? Maybe two or three, at the most.

13 Q Describe the procedure that was used?

14 A She and Paul decided any amounts generally that were to
15 go through. We just wrote a few checks.

16 Q What kind of checks did you write?

17 A Blue Skie checks.

18 Q To whom did you make them out?

19 A Los Cerrillos Trading.

20 Q What did the amount on the face of the check represent?

21 A Jewelry sales. Sometimes a consignment plus some pot
22 money.

23 Q Do you remember any specific amounts that you wrote on
24 the faces of the checks?

25 A No.

1 Q On how many occasions do you recall doing this?

2 A Two or three that I did.

3 Q Do you recall making any memoranda or notation to indicate
4 what part of the money was for the sale of jewelry and
5 what part for the filtering of pot money?

6 A On the checks we put a plus or a "p".

7 Q Did you do that yourself?

8 A On a few checks.

9 Q How many times say during the time that this scheme was
10 in operation, how many times did you observe Mr. Moskowitz
11 write such checks, or did you ever observe Mr. Moskowitz
12 write such checks?

13 A Yes.

14 Q How many did you observe?

15 A Specifically? I don't remember.

16 Q More than you?

17 A Yes.

18 Q Did Mrs. Cooney or Mr. Moskowitz tell you actually how
19 much money she filtered through Blue Skies to Los
20 Cerrillos?

21 A No.

22 Q Where did Mrs. Cooney stay when she was present in the
23 Albany area in 1974?

24 A 220 Hanson Street.

25 Q At that time do you recall any incident occurring?

1 A Yes. She had a telephone conversation with Kevin at
2 Tuscon and she told me that Kevin had told her that
3 Pasquale had died.

4 Q Did you know who Pasquale was?

5 A Yes.

6 Q How did you know that?

7 A From previous conversations with Paul.

8 Q Paul Moskowitz?

9 A Yes. And Buddy.

10 Q Did Mrs. Cooney call Kevin Cooney or did Kevin Cooney
11 call Mrs. Cooney?

12 A I don't recall.

13 Q At the completion of the conversation what did she tell
14 you?

15 A She said she talked to Kevin and Kevin told her Pasquale
16 was dead. She was very nervous.

17 Q And did she tell you how he died?

18 A Gunshot.

19 Q She told you that he was shot?

20 A Right.

21 Q Did she tell you where he was shot -- the city or place?

22 A I don't recall.

23 Q How long did Mrs. Cooney stay in the Albany area?

24 A About a week.

25 Q After she left -- when did she leave? What part of

1 May?

2 A Towards the end of May.

3 Q Was Miss Hunt with her the whole time? Did Miss Hunt
4 leave with her?

5 A As much as I can recall, yes.

6 Q What did they use for transportation when they were in
7 the area?

8 A I believe they used one of Buddy's cars.

9 Q How did they leave the area? With one of Buddy's car's
10 or by commercial transportation?

11 A I don't recall.

12 Q I direct your attention to June 1974. Do you recall
13 June 1974?

14 A Yes.

15 Q You do recall?

16 A Yes.

17 Q Is there anything unusual that you recall about June
18 1974?

19 A Yes.

20 Q What ^{it} is/that you recall about that month?

21 A Paul Moskowitz and I took a trip out to Tuscon.

22 Q When did you decide to take that trip?

23 A It was decided when Chris and Sonny were in town.

24 Q What did you decide to do specifically?

25 A Our purpose was to go out to Tuscon and drive a load of

1 pot back.

2 Q Did you subsequently take your trip?

3 A Yes.

4 Q You make any preparations for your trip? Specifically
5 did you visit anybody's house prior to making your trip?

6 A Yes.

7 Q Did anybody else know about your trip?

8 A Yes.

9 Q Who?

10 A Harold Levy.

11 Q What did he know about your trip?

12 A He knew we were going.

13 Q Did he help you in the preparation of your trip?

14 A Yes.

15 Q How?

16 A He recalled specifics, when Kevin talked about it with
17 Paul and told us some of the procedures.

18 Q Were you present when he discussed the procedures?

19 A Partially.

20 Q Do you remember any such procedures?

21 A Yes.

22 Q Can you give us a brief description of what he said?

23 A He warned us not to drive at night. To try and look and
24 act as straight as possible.

25 Q Go ahead.

- 1 A To observe speed limits.
- 2 Q Do you recollect anything else?
- 3 A Not to carry personal records.
- 4 Q Did you subsequently go to Tuscon?
- 5 A Yes.
- 6 Q How long did it take you to get out there?
- 7 A A few days.
- 8 Q What did you do when you got there?
- 9 A Paul called Kevin up and Kevin led us into town, to his
- 10 house. We stayed at Kevin and Chris's house.
- 11 Q Do you recall the house?
- 12 A Vaguely.
- 13 Q Was it an apartment?
- 14 A No, it was a house.
- 15 Q Do you recall where it was located?
- 16 A No.
- 17 Q Do you recall anything unusual occurring at that house?
- 18 A I don't know what you mean by unusual.
- 19 Q You have any discussions about the marijuana operation?
- 20 A Myself? No.
- 21 Q You have any occasion to use any drugs at that house?
- 22 A Yes.
- 23 Q Who produced the drugs?
- 24 A Kevin and Chris.
- 25 Q What did he produce?

1 A Pot, heroin and pills.

2 Q Did he sell those to you?

3 A Not to me.

4 Q Were any of these quantities of pot, heroin or pills
5 at the house given to you for purposes of taking them
6 back to Albany, New York?

7 A Not at the house, no.

8 Q You have occasion to go to another house in Tuscon?

9 A Yes.

10 Q Please describe what you observed.

11 A It was at night. It was a house with a chain link fence
12 around it.

13 Q Was it in Tuscon?

14 A As far as I know.

15 Q Anybody tell you who owned the house?

16 A No.

17 Q Did you have occasion to learn who owned the house, that
18 is at a subsequent time?

19 A Specifically? I don't recall.

20 Q What did you do when you got to this house while you were
21 in Tuscon in June?

22 A I stayed in the garage. I don't recall being inside the
23 house.

24 Q Anybody tell you the purpose of going to that house?

25 A Yes.

1 Q Who told you?

2 A I don't recall.

3 Q You have occasion to go into the house that night?

4 A Oh. Yes.

5 Q Did you see anything in the house?

6 A Yes.

7 Q What?

8 A Pot.

9 Q How much?

10 A A lot.

11 Q Will you describe how much a lot is? You see it packaged?

12 A Yes.

13 Q How was it packaged?

14 A In brick form.

15 Q How were these packages arranged?

16 A Some were in suitcases. Some just covered.

17 Q Would you be able to describe in terms of feet, pounds,
18 inches, the quantity of marijuana that you observed?

19 A I would venture a guess and say it was at least several
20 hundred pounds.

21 Q Again, please.

22 A About several hundred pounds.

23 Q You say some of the marijuana was loaded in suitcases?

24 A Yes.

25 Q Did you help load any of the marijuana in the suitcases?

1 A No.

2 Q You observe anybody load marijuana into the suitcases?

3 A Yes.

4 Q Who did you observe do that?

5 A Kevin and Paul.

6 Q What kind of suitcases did they load this marijuana into?

7 A Green suitcases and garment bags.

8 Q What did they do with them?

9 A Loaded them into a car.

10 Q You help load the car?

11 A I believe I put one suitcase in the car.

12 Q How long did it take you to load the car?

13 A I really don't know.

14 Q After you loaded the car, did you have occasion to ob-
15 serve the house again? Specifically, did any marijuana
16 remain inside the house?

17 A Yes.

18 Q Did you observe that marijuana?

19 A Yes.

20 Q How much remained?

21 A Still several hundred pounds.

22 Q Do you know how much you loaded into the automobile?

23 A Specifically, no.

24 Q What happened after you completed loading the automobile?

25 A I went back to Kevin and Chris', with Kevin.

1 Q What happened to Paul?

2 A He left for Albany.

3 Q Immediately after you loaded the car?

4 A As far as I can remember.

5 Q Did you not help Paul drive that marijuana back?

6 A No.

7 Q Had you originally intended to help drive it back?

8 A Yes.

9 Q Did there come some time when you decided not to help
10 drive it back?

11 A Yes.

12 Q What is the reason for that?

13 A I thought it was foolish for us to both be put in such
14 a precarious situation.

15 Q Actually did you stay in Tuscon?

16 A Yes.

17 Q How long?

18 A Just a few days.

19 Q What did you do then?

20 A Shopped.

21 Q You have occasion to come back to the Albany area?

22 A Yes.

23 Q When?

24 A A few days after that.

25 Q How did you do that?

1 A I got a ride with a friend of Chris'.

2 Q How long did it take you to get to Albany?

3 A A couple of days.

4 Q After you returned to the Albany area you have occasion
5 to learn that the shipment when Paul left Tuscon had
6 been received?

7 A Yes..

8 Q From whom did you learn that?

9 A From Paul.

10 Q From anyone else?

11 A I don't recall.

12 Q Directing your attention to the summer of 1974, after
13 you returned from Tuscon, did you continue to see Buddy
14 Levy at this time?

15 A Yes.

16 Q Frequently or infrequently?

17 A Rather frequently.

18 Q You have occasion to discuss with him the business
19 ventures that you previously testified to?

20 A Yes.

21 Q Describe to the Grand Jury the nature of the conversa-
22 tions you had?

23 A Buddy also wanted to filter some money through his newly
24 formed business.

25 Q He tell you that?

1 A Yes.

2 Q What specifically did he say about filtering his money?

3 A We talked about drawing up contracts and putting signa-
4 tures on them that were really contracts with no people
5 behind the contracts.

6 Q You heard Buddy say that?

7 A Yes.

8 Q To whom did he say that?

9 A To Paul and myself.

10 Q Did Mr. Levy ever enlist your aid to help him with this
11 scheme?

12 A Yes.

13 Q What did you do?

14 A I helped. Paul and Buddy handled most of it.

15 Q Did you ever prepare any phoney contracts?

16 A No.

17 Q Sometime during the summer of '74 do you know whether
18 Paul Moskowitz moved from Handsom Street to another
19 address?

20 A Yes.

21 Q Did you move with him?

22 A Yes.

23 Q What was the address?

24 A 8 Sunnybrook Drive, In Wexford.
25

1 you have occasion to observe any shipments of marijuana
2 come into the area, to any persons that we have been
3 talking about?

4 A November.

5 Q Prior to November 1974 do you remember ever visiting
6 Buddy Levy?

7 A Yes.

8 Q For what purpose?

9 A Socializing.

10 Q You ever have occasion to visit Buddy Levy for any other
11 purpose?

12 A Yes.

13 Q What purpose?

14 A To purchase pot.

15 Q Will you explain to the jury what you mean by that.

16 A Sometime Paul purchased pot from Buddy but Paul had
17 fallen out of favor with Buddy.

18 Q Did somebody tell you why Paul had fallen out of favor?
19

20 A No; nobody told me.

21 Q Did you know why he had fallen out of favor?

22 A Yes.

23 Q Why?

24 A Buddy would furnish Paul some pot and Paul wouldn't get
25 the money back to him quick enough.

 Q As a result of his falling out of favor with Buddy Levy

1 did you become involved with Buddy Levy in some way?

2 A Yes.

3 Q In what way?

4 A The business of purchasing pot.

5 Q For whom did you purchase the pot?

6 A For Paul, to sell.

7 Q How many times did you purchase pot from Buddy Levy
8 during the summer of 1974 or Fall of 1974?

9 A I don't recall how many times.

10 Q More than once?

11 A Probably.

12 Q Do you recall going to Buddy Levy's house?

13 A Yes.

14 Q Do you recall the procedure that you used to purchase
15 pot?

16 A Yes.

17 Q Will you describe to the Grand Jury that procedure.

18 A We would go in his back room. We would take pot, weigh it
19 out on his scales, how much I needed, put it in the
20 suitcases and I would take it back to Sunnybrook.

21 Q What would you do with it when you got it back to
22 Sunnybrook?

23 A Weigh it again on Paul's scale to make sure it was right.

24 Q Do you recall, when you purchased pot from Buddy Levy
25 do you recall how much you purchased?

1 A Specifically, no.

2 Q Do you remember how much in pounds?

3 A Specific amounts, no.

4 Q After you brought the pot to Paul Moskowitz what was
5 done with it; do you remember?

6 A Yes.

7 Q What was done with it?

8 A Sold to Junior Bend(?).

9 Q Do you remember any specific amounts, again?

10 A Specific amounts? No.

11 Q What was done with the money received by Paul Moskowitz?

12 A After commissions, it was given to Buddy Levy.

13 Q Who took it out to Buddy Levy?

14 A I did.

15 Q How many times do you recall taking this out to Buddy
16 Levy?

17 A I only recall one specific instance.

18 Q Do you recall purchasing marijuana from Buddy on more
19 than one occasion? That is picking it up?

20 A Yes.

21 Q Did you ever go out to Mr. Levy's house with the money
22 with anyone else or did you take it out by yourself?

23 A As far as I can remember, I took it out myself.

24 Q During the summer of 1974, or September 1974, do you
25 recall receiving any visitors at the 8 Sunnybrook Drive

1 address?

2 A Yes.

3 Q Specifically who?

4 A John Lefebure.

5 Q How many times did he visit 8 Sunnybrook Drive?

6 A Twice.

7 Q During this period of time?

8 A Yes.

9 Q What was the purpose of Mr. LeFebures visit?

10 A He brought in heroin.

11 Q How much?

12 A A couple of ounces each trip.

13 Q Do you remember when the first trip was?

14 A September, I believe.

15 Q September 1974?

16 A Right.

17 Q How long did he stay at 8 Sunnybbook Drive?

18 A A couple of days.

19 Q Did he produce the substance at that time when he was
20 at 8 Sunnybrook Drive?

21 A Yes.

22 Q What did it look like?

23 A Heroin.

24 Q How do you know it was heroin?

25 A I had some.

1 Q How much did he bring with him?

2 A A couple of ounces.

3 Q Did you pay him for it?

4 A No.

5 Q How many people used it, to the best of your recollection?
6 In other words was it distributed to any other
7 persons other than to you?

8 A Yes.

9 Q Do you remember the persons other than you to whom it
10 was distributed?

11 A Cathi Hession; Buddy got some of it; Paul.

12 Q Did you see any money change hands?

13 A Not that I can recall.

14 Q Do you recall whether any of the heroin was left over
15 after it was consumed by the parties present?

16 A Yes.

17 Q Do you remember how much was left over?

18 A Over an ounce.

19 Q Did John Lefebure tell you where that heroin was going
20 to go?

21 A Yes. He was taking the heroin down to a man named Tom
22 in New York City.

23 Q Do you remember if he came into the Albany area a second
24 time?

25 A October.

1 Q Did he also stay at 8 Sunnybrook Drive?

2 A Yes.

3 Q What did he bring with him on this occasion?

4 A Heroin.

5 Q What was done with the heroin?

6 A Some of it we got high on it; some of it was brought down
7 to Tom in New York City.

8 Q How much was brought the second time, in October?

9 A Two ounces.

10 Q On either occasion, September or October, did Mr. Lefebvre
11 state to you the source of his heroin?

12 A Specifically; I don't recall.

13 Q Did he tell you the original from which the heroin came?

14 A From the West.

15 Q He tell you what part of the West?

16 A He mentioned that he had been visiting Kevin and Chris
17 in Tuscon.

18 Q That is all he said about that?

19 A Right.

20 Q Concerning the second time he visited, do you remember
21 the parties present who consumed the heroin on that
22 occasion? If you can't remember don't tell us.

23 Q No.

24 Q Do you remember any money exchanging hands.

25 A Not that I know of. I can't recall.

1 Q After Mr. Lefebure visited 8 Sunnybrook Drive in September
2 and October 1974, you recall any other shipments coming
3 into the Albany area of any controlled substance?

4 A In November.

5 Q What happened in November?

6 A Chris and Sonny came in.

7 Q When?

8 A About the middle of November.

9 Q Was it prior to Thanksgiving?

10 A I really don't recall.

11 Q But you remember it was November?

12 A Right.

13 Q Was there anything unusual about their visit?

14 A They brought up pot and heroin.

15 Q How much pot did they bring?

16 A I don't know.

17 Q Were you present when the shipment arrived?

18 A I don't think so.

19 Q Did you have occasion to speak to Christine and Sonny?

20 A Yes.

21 Q Under what circumstances?

22 A They were reclaiming some of the unsold jewelry that
23 they had on consignment at the jewelry shop.

24 Q How do you know they brought in pot with them?

25 A It wasn't there before they came.

1 Q So, in other words you did go to Buddy Levy's house?

2 A Yes.

3 Q When did you go, sometime after they arrived?

4 A Before and after, I was there.

5 Q After they arrived what did you observe?

6 A Pot in the back room and heroin on the front table.

7 Q How much pot did you observe at that time?

8 A A couple of hundred pounds.

9 Q You observed that pot in the back room of Buddy Levy's
10 house?

11 A Yes.

12 Q Did you observe any distribution?

13 A I don't recall.

14 Q Who produced the heroin? Do you recall that? Was it
15 already on the table when you observed it?

16 A I don't really recall.

17 Q Concerning Christine Cooney did you have any conversations
18 with her in November 1974?

19 A Yes.

20 Q Do you remember any of those conversations?

21 A Yes.

22 Q Which ones do you remember?

23 A She mentioned that a man named Andrew Blossy had been
24 picked up nout West with a large sum of cash.

25 Q Had you ever heard Andrew Blossy's name before?

1 A Yes.

2 Q What was the nature of the conversation that you were
3 having with her?

4 A We were just chatting, how business was going; what was
5 happening out West; how Kevin was.

6 Q Was it at this time in November that she mentioned
7 Andrew Blossy's arrest to you, or his being stopped?

8 A Yes.

9 Q Did she tell you anything else that you can recall?

10 A Not that I can recall.

11 Q During this time did you have occasion to see Kevin
12 Cooney?

13 A Yes.

14 Q When?

15 A A few days after Sonny and Chris arrived.

16 Q Where did you see Kevin Cooney?

17 A At Buddy's house.

18 Q Do you recall for what purpose Mr. Cooney came to the
19 Albany area?

20 A I presume social.

21 Q Where did you see him now, at Sonny's house?

22 A Buddy's house.

23 Q Did anybody tell you where Mr. Cooney came from?

24 A He came from Tuscon.

25 Q Do you know how he came in? Did he fly in by commercial

1 airlines?

2 A I believe so.

3 Q Do you recall whether Mr. Cooney had any substance present
4 at the time he came in?

5 A Yes.

6 Q What?

7 A Cocaine.

8 Q Do you recall how much?

9 A A quarter pound.

10 Q How do you know it was a quarter pound?

11 A Somebody mentioned it at the time.

12 Q Do you know who mentioned it?

13 A I don't recall.

14 Q Do you recall -- can you tell the Grand Jury how you
15 know it was cocaine?

16 A I tried it.

17 Q And it was cocaine?

18 A Yes.

19 Q Do you recall if the entire quarter pound of cocaine
20 was consumed?

21 A It wasn't.

22 Q After that what happened with the remainder?

23 A I don't know.

24 Q Did you see any money change hands for the cocaine?

25 A Not that I can recall.

1 Q I now direct your attention to 1975. After you observed
2 Kevin Cooney in 1974, did you have occasion to continue
3 your activities in this marijuana operation?

4 A No.

5 Q Was there some reason why you ceased your activities in
6 this marijuana operation?

7 A Paul got arrested in December and I didn't want to have
8 anything to do with it.

9 Q Did you continue to see these people?

10 A I had occasion to talk -- I think I had a few conversa-
11 tions with Ellen Kaplan. I had a telephone conversation
12 with Chris and I talked to Cathi Hession on the 'phone.

13 Q During those conversations was the subject of marijuana
14 or the marijuana operation discussed?

15 A In those terms, no.

16 Q Did either of them at any time during those conversations
17 state to you what the status of the operation was in
18 1975?

19 A No.

20 Q Have you received any money from the D.E.A. for your
21 testimony before the grand jury?

22 A No.

23 Q Have you been made any promises by the Drug Administra-
24 tion or the U. S. Attorney for your testimony?

25 A Not that I know of.

1 Q Isn't it true that you wouldn't be prosecuted in ex-
2 change for your testimony?

3 A Right.

4 MR. DREYER: Any questions from the Grand Jury?

5 (No response.)

6 MR. DREYER: Thank you.

7 (Witness excused.)
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

* * *

documents.

THE COURT: All right. Well, I will reserve decision on that application.

MR. RYAN: Thank you very much.

The next item that we discussed in chambers concerned a witness who testified before the Grand Jury, Margaret Buecher. We have been informed by the Government that efforts have been made to locate Margaret Buecher but they have been unsuccessful in locating her. In reviewing the 3500 material made available to us yesterday, it is apparent that Margaret Buecher claims to have been present at some of the transactions which the Government intends to prove in this case. If she was a witness to a transaction, she would have information relevant to that transaction. We, of course, have not had any more success than the Government in locating this individual to interview her, and for that reason, we have made an application to be able to inspect the Grand Jury minutes for the purpose of our conducting an evaluation for purposes of cross-examining the Government witnesses who may be testifying to similar transactions. There really is no question but this case is going to rest on the credibility of the Government witnesses in large

1 measure. And the cases have been repeatedly holding
2 that cross-examination, of course, is a critical tool
3 for the defense of a case where such credibility is
4 initial. Therefore, we are seeking to obtain every-
5 thing available to us which may assist us in our
6 judgment of conducting these cross-examinations.

7 Now, I know the Government indicated in
8 chambers that they would have no objection if the
9 Court would review it. We must object to that be-
10 cause it places the Court in an unfair position.
11 In effect, it is saying to the Court that you have
12 to act as defense attorney in this case. Your Honor
13 doesn't have hundreds of materials, pages of materials
14 that were furnished to us yesterday, and I think there
15 are about 12 witnesses in this case. And you may
16 have three Government witnesses testifying to a
17 transaction and differing on their accounts, and these
18 may be critical differences for the jury. If we had
19 this material, it would assist us in cross-examining
20 the Government witnesses.

21 Now, in fact, there may be something in
22 there that will cause us all to make a further effort
23 to get Margaret Buecher, but I am, frankly, not in a
24 position to say what she said before the Grand Jury
25 or to evaluate it, and I think that we are in a better

1 position than the Court. There is certainly no harm
2 in us reviewing it because there is certainly no
3 threat to the witness. We are not here to threaten
4 anybody, and there is no basis for anyone to say that
5 we are going -- or anyone associated with the defense
6 is going to try to do something to harm a witness.
7 In this case, the Government can't even find the
8 witness, and I think that is just a problem of com-
9 munication in trying to track her down. So I really
10 feel that there is no reason to deny a reasonable
11 request to inspect the Grand Jury minutes.

12 THE COURT: All right, Mr. Dreyer, I
13 think you should state your position for the record
14 at this time.

15 MR. DREYER: Yes, Your Honor. As I stated
16 to the Court before, the Government's position is the
17 mere allegations or suggestions that there may be
18 conflicting testimony or matters in the Grand Jury
19 testimony of a witness who has not been called by the
20 Government, which matters may go to the impeachment
21 of other witnesses, is not sufficient for release of
22 Grand Jury minutes to the defense prior to that
23 witness testifying, and the Government has relied on
24 its privilege under the statute not to turn that
25 particular information over to the defense in this case.

1 If Miss Buecher were called by the defense to
2 testify in this case, then upon the completion of her
3 testimony, the Government, in accordance with 18 U.S.C.
4 3500 would turn that material over to her.

5 I offer as an alternative suggestion, that
6 the Grand Jury minutes could be turned over to the
7 Court for an in-camera inspection. I only offered
8 that as an alternative, but the Government, we believe,
9 is entitled to stand on its privilege, statutory
10 right under 3500.

11 THE COURT: What privilege is there? If
12 she took the stand, you would have to turn it over.

13 MR. DREYER: That's correct. We don't
14 intend to use her as a witness, and the Government is
15 not required to turn 3500 material over.

16 THE COURT: We are at the trial stage now.
17 What harm could come to the Government?

18 MR. DREYER: It is not a question of what
19 harm could come to it, it is the question of how they
20 intend to use that if we don't intend to call her as
21 a witness.

22 THE COURT: But the only thought entering
23 my mind, in these 3500 situations, I think the Supreme
24 Court has said, well, the fact that the Judge reads
25 it is not enough if the defense Counsel, as Mr. Ryan

1 just stated, knows a lot more than the Judge.

2 MR. DRYER: That may be, but the only
3 thing Mr. Ryan stated on the record is that there may
4 be a conflict of testimony, there may be allegations,
5 and we don't know --

6 THE COURT: I am going to reserve on it
7 also, but I think that you should give me the
8 transcript and I will read it first anyway, and then
9 I will decide the importance of it. I may also decide
10 that it can be turned over.

11 MR. DREYER: Yes, Your Honor.

12 THE COURT: But I will reserve decision.

13 MR. RYAN: All right. In connection with
14 my application, I will call Your Honor's attention to
15 Rule 510 of the Federal Rules of Evidence dealing with
16 informant privilege.

17 THE COURT: That is the new ones?

18 MR. RYAN: That's right. In other words,
19 where there is an informant who is a witness to a
20 transaction which is the subject matter of the case,
21 there is an obligation to identify the informant so
22 that defense Counsel can have the right of interview.
23 Of course, they had made the identity yesterday. I
24 made this request several times, including my letter
25 of November 10th, and made the identification of who

1 this previously unidentified witness was, and now
2 they have made the identification. But they have
3 also told us the witness is unavailable. The only
4 next thing we can do is to review the Grand Jury
5 minutes, and I can tell Your Honor I have reviewed
6 some Grand Jury minutes of a witness in this case,
7 and I can see what she says in the Grand Jury is a
8 question of -- I would very much like to know in
9 order for me to resolve some questions in my mind.

10 MR. DREYER: Your Honor, in order to move
11 this case along, we may reconsider our position also,
12 so although I will deliver a copy to the Court, we
13 will reconsider our position. But nevertheless, the
14 defense, I am sure, knows that it has the subpoena
15 power against Miss Duecher if the defense knows where
16 she is. We don't, so we can't offer any suggestions.

17 THE COURT: Is that Rule 510, did you say?

18 MR. RYAN: Correct, informant privilege,
19 Government privilege on informants, Federal Rules of
20 Evidence.

21 THE COURT: This is the way the trial
22 judges are learning the new rules, by having these
23 questions so they can read them.

24 MR. RYAN: Right.

25 THE COURT: But you think that plays a part

1 in this application?

2 MR. RYAN: I do, because here is a witness
3 to a transaction which is the subject matter of the
4 case, and we have been unable -- number one, we
5 learned her identity yesterday, so we couldn't inter-
6 view her before yesterday, and number two, having
7 her identity, we are informed that she is not
8 available, so the next best thing is to review her
9 Grand Jury testimony.

10 THE COURT: Is that Rule 501 or --

11 MR. RYAN: Judge, I may have had a
12 typographical error. It could be 501, I'm sorry.

13 THE COURT: Privilege?

14 MR. RYAN: Yes, it is a Government
15 privilege on informants.

16 THE COURT: But I will reserve on it.
17 What other law you find, you should give to me as
18 we progress here.

19 MR. DREYER: The other thing, Your Honor,
20 is that at this time we would make an application to
21 the Court to dismiss counts two through 10 with
22 prejudice to the Government.

23 THE COURT: That's right, that is the
24 important matter that we should place on the record.

25 MR. RYAN: Judge, I don't know if we are
* * *

1 finished or not with all applications. In any event,
2 we would like to make it a matter of record that any
3 application made by any defense Counsel is made as if
4 all defense Counsel joined in it unless they indicate
5 otherwise. So my application is really an application
6 by all defendants in the case, all Counsel join in
7 the application. If some Counsel --

8 THE COURT: I will take that in substance,
9 but I don't like that blanket objection unless you
10 make specific objections on behalf of particular
11 defendants, but in this instance I will allow it
12 because I think it may affect all defendants.

13 MR. RYAN: Yes, thank you.

14 THE COURT: But it is important that we
15 do place on the record what Mr. Dreyer is going to
16 talk about, that all we are going to try here today,
17 as I understand it, is --

18 MR. DREYER: Count one.

19 THE COURT: Count one.

20 MR. RYAN: Absolutely.

21 THE COURT: Is that agreeable to you,

22 Mr. Ryan?

23 MR. RYAN: Yes. I understand the remaining
24 counts will be dismissed with prejudice.

25 MR. DREYER: That's correct.

* * *

1 MR. DREYER: One final matter. We would
2 like to have marked as Court Exhibit 3500, a letter
3 dated November 29, 1976 which is a cover letter to
4 each attorney in which the Government enclosed certain
5 material to include 3500 material. We would like to
6 make this a matter of the file in this case.

7 THE COURT: All right.

8 MR. DREYER: We have nothing further,
9 Your Honor.

10 MR. LOMBARDINO: May I state one thing
11 in regard to the testimony of Margaret Buecher and
12 the statements made to the Probation Officers by
13 other defendants who have since pleaded? I would
14 also add to the submission by Mr. Ryan that it might
15 very well be, Judge, that this material might fall
16 within the purview of Brady, and therefore, if for
17 no other reason, Judge, if that was a fact and that
18 was determined either by the Court or brought to the
19 Court's attention by Counsel for the defendants, this
20 would be relevant and should be in our possession.
21 And I would add that to the record as far as the
22 reason and support of our request, why we should have
23 it.

24 THE COURT: That thought enters my mind
25 too, just from my experience, that Brady might be

1 applicable here. I don't know whether it is or not.

2 MR. LOMBARDINO: I don't either, because
3 we are in the dark about it without ever having looked
4 at it.

5 MR. LEONE: I would join in Mr. Lombardino's request and also make a further request
6 of Mr. Dreyer that we be supplied with any interviews
7 with this woman who has testified before the Grand
8 Jury, and compare her statements before that Grand
9 Jury regarding certain Government witnesses and her
10 statements made to Federal Agents prior to her
11 testimony before that Grand Jury to see whether there
12 may be some Brady material that may exculpate my
13 client.

14 THE COURT: All right.

15 Mr. Lebatkin?

16 MR. LEBETKIN: I would respectfully
17 request through this Court that Mr. Dreyer make known
18 to the defense this morning, what efforts, if any,
19 the Government has made to locate this witness. She
20 was one of the witnesses, I assume, who testified
21 before this Grand Jury, and I would submit that the
22 Grand Jury considered her testimony along with whatever
23 other witnesses testified in the Grand Jury, and the
24 indictment may be based wholly or in part upon her
25

1 testimony, and I believe that the Government should
2 be made to place upon this record, what efforts they
3 made to secure the witness, if any..

4 THE COURT: Mr. Dreyer, what is your
5 position?

6 MR. DREYER: Your Honor, my position is
7 that Mr. Lebetkin's position has no foundation on
8 law. The only obligation on the part of the Government
9 is to come forward with evidence, that the witness in
10 question is not under the control of the Government
11 and she is unavailable because she is not --

12 THE COURT: Why all this mystery? Does
13 anybody know where Margaret Buecher is?

14 MR. DREYER: The Government does not.

15 THE COURT: All right. She may be in
16 Albany. At least she has some Albany connections.

17 MR. DREYER: There is one question I would
18 bring to the attention of the Court because Mr.
19 Lebetkin raised it with me in prior discussions.
20 There was a time when Miss Buecher was registered as
21 a confidential informant with the Drug Enforcement
22 Administration, but to the best of my knowledge at
23 this time, there was no requirement on the part of
24 Miss Buecher to report back to the Drug Enforcement
25 Administration on account of her status as a

1 confidential informant. Nevertheless, after she
2 appeared at the Grand Jury, she advised the Government
3 that she would notify us where she would be. That is,
4 she would notify the Drug Enforcement Administration.
5 She has not. Now, if the defense has other informa-
6 tion that would be helpful to the Court, I request
7 they come forward and tell the Court, because frankly,
8 the Government would like to call her if we could.

9 MR. LEBETKIN: Judge, I would simply say
10 this: I think the Court has a right to know whether
11 or not the Government has made the same diligent
12 effort to locate this witness that they would make
13 to locate one of the defendants if he were not here
14 today.

15 MR. DREYER: What we request is that
16 Mr. Lebetkin come forward with some authority for
17 the proposition that the Government is required to
18 do that. There has to come a time in the preparation
19 of a case where the Government's attorney has to
20 decide whether the witness is available or unavailable,
21 whether the witness is under our control or not under
22 our control, and those are the decisions to be made
23 in this case.

24 THE COURT: I really don't know the answer.
25 I don't know what to suggest. I think both sides seem

1 to want this lady in Court, so both sides should make
2 an effort to try to find out where she is.

3 MR. LEBETKIN: Our facilities are just a
4 little bit less than theirs are, Judge, and I believe
5 that the question as to whether or not a diligent
6 effort has been made by the Government, since they
7 were the ones who called her to the Grand Jury, goes
8 to the heart of the situation and to the good faith
9 behind the prosecution, and I believe that the Court
10 has a right to know whether or not this diligent effort
11 was made, and Mr. Dreyer should place upon the record,
12 who made that effort and under what circumstances,
13 and whether or not it is a continuing one or it has
14 been abandoned.

15 THE COURT: No, I will make no ruling on
16 that. It is a matter of preparation and prosecution
17 effort. The trial will disclose if they have enough
18 beyond a reasonable doubt without Margaret Buecher.
19 That will be sufficient. I don't think I want to get
20 into it by any direction telling them that they have
21 to put full force of the Government enforcement
22 agencies out looking for Margaret Buecher at this
23 time. I will just leave it pending. Each day is a
24 new day. Maybe we will find out more about her
25 tomorrow.

* * *
1 immediate family so engaged in any law enforcement
2 activity?

3 (Negative responses).

4 And we will start with Mrs. Alyott.

5 MRS. ALYOTT: No.

6 THE COURT: If any of you have persons
7 or have yourselves been involved in law enforcement
8 or investigative things that involve law enforcement,
9 raise your hand and then I will talk to you about it.

10 (Negative responses).

11 Or any members of your immediate family.

12 (Juror raises hand).

13 THE COURT: All right, Mrs. Earl.

14 MRS. EARL: Yes.

15 THE COURT: You tell us about it now,
16 speak up.

17 MRS. EARL: My father-in-law is a judge.

18 THE COURT: Where is he a judge?

19 MRS. EARL: Lake George.

20 THE COURT: What is his title?

21 MRS. EARL: Village judge.

22 THE COURT: Can you all hear?

23 MR. LOMBARDINO: Yes, I heard.

24 MR. RYAN: Yes, I can.

25 MRS. EARL: I don't discuss any of his work

1 with him, I am not interested.

2 THE COURT: Would that relationship, that
3 he is a judge -- I suppose he has criminal cases come
4 before him and so forth?

5 MRS. EARL: I imagine, I don't know.

6 THE COURT: I think he does. Would that
7 make any difference in your sitting here in a criminal
8 case, that is what we have before us, deciding the
9 issues in this case fairly and impartially?

10 MRS. EARL: None whatsoever.

11 THE COURT: Do you think it would have
12 any influence on your judgment one way or the other
13 because you have this relationship with a judge?

14 MRS. EARL: None whatsoever, no.

15 THE COURT: And you could keep that out
16 of your mind and decide the case according to the
17 evidence and in accord with the law as I instruct
18 you upon it?

19 MRS. EARL: Yes.

20 THE COURT: You can assure us of that?

21 MRS. EARL: Yes, I can.

22 THE COURT: All right. Is there anyone
23 else now that might have been engaged in law enforce-
24 ment or any members of your families?

25 (Negative responses).

* * *

1 no matter whether they think it is unfair or not, I
2 am going to instruct them that he has that burden and
3 he must meet that burden. I don't think you have any
4 feeling of that kind, do you?

5 (Negative responses).

6 THE COURT: That is the way our law
7 operates. The burden is placed on the prosecution
8 in all criminal cases, federal.

9 Mr. Lebetkin?

10 MR. LEBETKIN: Your Honor, would you
11 please inquire of the jurors, those jurors, whether
12 or not as individuals, any one of them would feel
13 uncomfortable in the jury room if he or she were in
14 the minority as to his or hers proposed verdict, they
15 would feel constrained to change his or her vote
16 because of being in the minority?

17 THE COURT: No, I have instruction on
18 that. I think I can clarify that. But I don't
19 usually ask that question.

20 Mr. Leone?

21 MR. LEONE: I have nothing.

22 THE COURT: All right, challenges for
23 cause.

24 (No response).

25 THE COURT: We will take the pre-

* * *
1 defendant to come forward on his own to testify.

2 Can you accept that?

3 (Positive responses).

4 MR. LESETKIN: Thank you, Judge.

5 THE COURT: Mr. Leone?

6 MR. LEONE: I have no additional
7 questions.

8 THE COURT: All right, challenges for
9 cause.

10 (No response).

11 THE CLERK: Preemptories?

12 (Challenges taken).

13 THE CLERK: Mr. O'Hara, please step
14 down.

15 Charles Chow, please take seat number
16 one.

17 THE COURT: Mr. Chow, is that the
18 right pronunciation, sir?

19 MR. CHOW: Yes.

20 THE COURT: You are listed here as
21 an engineer. Will you tell us where?

22 MR. CHOW: I work at General Electric
23 Company, Gas Turbine Division, Schenectady.

24 THE COURT: What type of engineer?

25 MR. CHOW: It is design engineer but

more or less involved with the advanced technology.

1 THE COURT: All right, Mr. Chow,
2 have you ever been engaged yourself in any investi-
3 gative work of any kind?

4 MR. CHOW: No, sir.

5 THE COURT: Or any members of your
6 immediate family?

7 MR. CHOW: My father is deceased now.
8 He was a judge.

9 THE COURT: Tell the lawyers about it.

10 MR. CHOW: My father was a lawyer
11 according to the State Military Tribunal, Chief
12 Military Tribunal in China.

13 THE COURT: In China?

14 MR. CHOW: Yes.

15 THE COURT: Would that make any
16 difference in your sitting here and deciding this
17 kind of a case?

18 MR. CHOW: No, sir.

19 THE COURT: The United States against
20 these four named defendants?

21 MR. CHOW: No, sir.

22 THE COURT: Could you hear me all
23 right describing the kind of a criminal prosecution
24 it is?
25

* * * *

* * *
1 from Tucson, Arizona to Albany, New York. You
2 will hear what Mr. Cohen's responses were. You
3 will hear him tell you how finally he agreed to
4 do it, and then he will go into detail as to each
5 trip, as to each trip that he made for Harold Levy,
6 each trip he made for Mr. Kevin Cooney.

7 Another witness you are going to
8 hear is Mr. William Katz. Again, Mr. Katz is
9 named in the indictment, so again, I will tell
10 you we are dealing with these types of witnesses.
11 Mr. Katz is going to explain to you how he met
12 Mr. Levy, how he met Mr. Cooney. And again, he is
13 going to go through his involvement, his driving,
14 his distribution. He is going to tell you about
15 his customers, his suppliers and all that.

16 The case is going to go on like
17 that in the same vein. You will hear several more
18 witnesses who are going to tell you the same thing.
19 Some of the people that you will hear in this case
20 will be people like Paul Moscovitz who name was
21 mentioned earlier. You will hear from Mr. Paul
22 Camuso. And when you hear from Paul Camuso, you
23 will realize, even though he is not named in the
24 indictment, he was right in the middle of this.
25 You will hear from Mr. Richard Hession. You will

1 hear from Mr. Andy Blossy, you will hear from
2 Mr. Michael Hauser, he is named in the indictment,
3 and perhaps more. All of them are going to paint
4 a clear picture for you as to what was going on
5 in this conspiracy. But then we are going to come
6 to a very important part of the trial. So far you
7 have heard from co-conspirators, accomplices and
8 defendants. Then you are going to hear testimony
9 about September 27th, 1974. You are going to hear
10 that a man by the name of Andrew Blossy whose name
11 I just mentioned was stopped on a highway in New
12 Mexico for speeding. You are going to hear that
13 the State Police in New Mexico pulled him over,
14 and for some reason or another, searched his
15 automobile. When they opened the trunk of his car
16 they discovered two clothing bags. They smelled
17 marijuana and they found \$25,000 in cash. They
18 confronted Mr. Blossy with this information when
19 they found the money in the car and they received
20 from Mr. Blossy, information that he was taking
21 the money to Tucson, Arizona to a person whose last
22 name he did not know but first name he did, Kevin.
23 He gave the police officers a piece of paper on
24 which phone numbers were written and he said he
25 was traveling from Ithaca, New York and he was

1 hired by a man named Michael, whom it will be
2 developed, is Michael Hauser and that he was
3 taking the money to somebody by the name of Kevin.

4 The Government then intends to
5 show that a drug enforcement agent acting undercover
6 as Andrew Blossy called the number on this slip of
7 paper and had a conversation with the person who
8 the Government alleges and will prove to be Kevin
9 Cooney. That drug agent will appear here and he
10 will tell you about this conversation. At that
11 point when he tells you about his conversation,
12 you will find that the details of that conversation
13 in September or October of 1974, long before the
14 police or the D.A. knew what was going on here,
15 just precisely what was going on and what we will
16 prove through retrospect.

17 Now, you are going to hear from
18 Mr. Blossy, we hope. You are going to hear from
19 Mr. Hauser who sent Mr. Blossy with the money to
20 New Mexico. You are going to hear from two police
21 officers, Sgt. Trapeer and Sgt. Ring who made the
22 stop of Blossy. Then you are going to hear from
23 Agent Montagne, the man who placed the telephone
24 call. That is the kind of evidence you are going
25 to hear in this case.

* * *
1 Q Where did you reside in June '72?

2 A I was just leaving it, I believe. It was an
3 apartment that I was living in while I was in my
4 third year of college at State University at Albany
5 and I was moving back to New York City to my parents'
6 house to seek employment there.

7 Q Now, you say you were a student at State University
8 of Albany?

9 A That's correct.

10 Q How long had you been in Albany at the State
11 University of New York?

12 A I entered the State University in September of '69
13 and I graduated in May of '73, and I was there
14 continuously during that time.

15 Q During the time that you were a student, did you
16 come to know a man by the name of Kevin Cooney?

17 A Yes, I did.

18 Q Will you describe for the members of the jury the nature
19 of your relationship with him?

20 A Well, Mr. Cooney and myself were both going to the
21 State University at the same time. I believe we had
22 common classes together. The campuses aren't that
23 big. We were frequently encountering one another.

24 Q As of June 1972, how long had you known Mr. Cooney?

25 A My best recollection of that is from the fall of '71,

* * *

1 when the car arrived.

2 Q And where was Mr. Cohen at the time?

3 A Mr. Cohen was in the car, driving.

4 Q What happened after he arrived?

5 A Well, he helped carry in the suitcases and he stayed
6 to see that everything weighed out properly.

7 Q What was done after the marijuana, or what you have
8 described as "bricks," was taken to the back room or
9 the upstairs room?

10 A Well, they were weighed out generally for an
11 approximate amount to make sure the amount was
12 approximately what it was supposed to be.

13 THE COURT: Who did this?

14 THE WITNESS: Mr. Levy.

15 THE COURT: Were you there then?

16 THE WITNESS: Yes, I was.

17 THE COURT: All right.

18 MR. RYAN: I'm sorry. I must
19 object on behalf of the defendant Kay as to any
20 particular transactions.

21 THE COURT: Speak up.

22 MR. RYAN: I must object on the ground
23 my client was not present.

24 THE COURT: All right.

25 MR. RYAN: He had nothing to do with

1 Q Did he tell you anything else about his operation
2 that you can now recall?

3 A Yes. He said that he was sending marijuana to
4 Albany to Harold Levy, to some unknown person in
5 Ithica, New York, and to other places in the Midwest.
6 He did not specify the area, however. He was telling
7 me, in effect, that he was expanding his operation.

8 MR. LOMBARDINO: Object to that, your
9 Honor.

10 THE COURT: All right. Sustained.
11 Not what he in effect told you. You talk like a
12 lawyer. You talk as a witness here. You tell him
13 what you remembered he said.,

14 A Well, he explained to me that the operation was
15 getting bigger.

16 THE COURT: That is what he said?

17 THE WITNESS: Yes.

18 THE COURT: All right. Tell the jury
19 that.

20 Q Mr. Roth, did you have occasion to leave Tucson
21 finally?

22 A Yes.

23 Q Where did you go?

24 A Back to New York, Albany.

25 Q Where in New York?

* * *

1 A Yes.

2 Q Which incident are you referring to?

3 A It was either in late September or early October Bruce
4 Kay delivered a quantity of marijuans -- I don't know
5 the exact amount -- to the house in Crescent.

6 THE COURT: What year is this?

7 THE WITNESS: This is in the fall of
8 1973, September, October '73.

9 THE COURT: All right.

10 Q Were you present at the Crescent house at that time?

11 A Yes, I was.

12 Q What did you see specifically?

13 A I saw Mr. Kay drive up.

14 Q In what kind of a car?

15 A It was, again, one of these mid-sized American cars,
16 the car I remember best that was used on most of the
17 trips is that --

18 MR. LOMBARDINO: Object, your Honor,
19 to the volunteering of information by Mr. Roth.

20 THE COURT: Sustained.

21 Q All right.

22 A The car I remember is a yellow -- either a Plymouth
23 Fury or Dodge Coronet or some mid-sized American car
24 with a white vinyl top and Arizona license plates.

25 Q After Mr. Kay arrived at Crescent what, if anything,

1 was done?

2 A We opened the trunk of the car.

3 Q Who is "we"?

4 A Who is "we"? Me, Harold Levy, Bruce Kay and I
5 believe that is the only people that were present at
6 that time.

7 Q What did you do thereafter?

8 A We took out the quantities of marijuana which were in
9 suitcases, clothing bags and trunks, and brought them
10 into the rear bedroom of the new house at Crescent.

11 Q And describe the rear bedroom.

12 A The rear bedroom was set up except for having
13 carpeting rather than bare wood floor, it was set up
14 in exact the same ways as the bedroom upstairs in
15 Albany.

16 Q Describe it.

17 A It had that round marble table, the same scales
18 and a saw to saw the bricks of marijuana.

19 Q All right. Now, after the marijuana was taken to
20 that room what, if anything, occurred?

21 A It was weighed to find the approximate amount of the
22 entire load of marijuana and then I took a quantity of
23 it.

24 Q Do you recall how much you took?

25 A I can't recall exactly. I would say again maybe 30,

* * *

1 THE COURT: Tell the jury what it was.

2 THE WITNESS: It was the yellow car

3 with the white vinyl top, and Plymouth Fury, Arizona
4 plates.

5 Q All right. After the arrival of the automobile, what,
6 if anything, did you see?

7 A I saw the same thing that happened with the first --

8 Q Tell us what you saw this time.

9 A I saw the marijuana carried into the back room of
10 Harold's house in Crescent.

11 Q Who carried it in?

12 A I did, with Harold and Bruce Kay.

13 Q Where did you take it?

14 A To the back room of the house.

15 Q And what, if anything, was done with it after you got
16 it back there?

17 A At that time, I am not sure if anybody took anything.

18 Q You do not recollect what happened?

19 A I don't recollect that.

20 Q Did there come a time when you did take something out
21 of that quantity?

22 A Yes.

23 Q When?

24 A It might have been that day, it might have been a
25 few days thereafter.

* * *

1 A No.

2 Q Okay. Tell us what you saw?

3 A And I saw the trunk opened, the pot carried out.

4 Q Who was present at the time?

5 A To my best recollection, myself, Bruce, Mr. Levy and
6 this person Tom.

7 Q What was done after the trunk of the car was opened?

8 A The marijuana was taken into the back room of the
9 Crescent house.

10 Q What, if anything, was done with it after you got it
11 back there?

12 A It was cut up into various quantities.

13 Q By whom?

14 A By Mr. Levy.

15 Q Did you receive any?

16 A Yes, I did.

17 Q How much?

18 A The same thing, around 30 to 50 pounds.

19 Q Did you observe whether or not Mr. Kay received any?

20 A At this time not all of the marijuana was carried into
21 the house from the car. Some of the marijuana was
22 left in the car and when Mr. Kay left, he left in
23 that car.

24 Q I see. When the trunk was opened, did you observe the
25 marijuana in the trunk?

* * *

1 A Bruce Kay.

2 Q Was anyone with him at the time that he arrived?

3 A I can't recollect whether that man Tom was with him
4 at that time.

5 Q Who was present at Mr. Levy's house?

6 A Myself, Bruce, and Mr. Levy. Now, on one of these
7 times, it was either this time or --

8 MR. LOMBARDINO: Your Honor, object
9 to his volunteering answers without even a question
10 before.

11 THE COURT: We will stop at the last
12 part of it. I sustain your objection.

13 MR. LOMBARDINO: Thank you.

14 Q Do not volunteer.

15 THE COURT: Do not volunteer. Just
16 answer the question.

17 THE WITNESS: I was trying to.

18 Q After the arrival of the automobile, what, if
19 anything, occurred?

20 A In March, you mean?

21 Q Yes.

22 A The pot was taken to the back room.

23 Q By whom?

24 A By me and Harold and Bruce.

25 Q Did you observe the amount of marijuana in the trunk

* * *

1 fashion as we opened to the jury.

2 THE COURT: All right.

3 MR. LOMBARDINO: And would your Honor
4 like us to proceed at this juncture?

5 THE COURT: Well, we can take a recess.
6 I may have to go to Troy, I don't know yet, for at
7 least a half hour or so, so ladies and gentlemen, we
8 will take a recess now. We are ready for the cross-
9 examination. Remember what I told you about
10 conspiracy, it has to be independent evidence linking
11 a certain member who is on trial before us and only
12 then can you decide whether you are going to weigh the
13 acts, declarations of co-conspirators against the
14 certain named defendants. I do notice that Mr. Chow
15 is taking notes and I do not discourage that practice
16 because it is established in our courts that it can be
17 done by a jury and I permit it and I remember years
18 ago when I started, we had some discussion about whether
19 it should be allowed or not, and the juror in question
20 said, well, I was taking notes so he decided he
21 should take them. So I allowed but I do caution
22 you that they are his notes and that he is taking
23 what he thinks is important, like I may, and you have
24 to consider it all and keep that in mind, and you
25 should not discuss the case anyway until it is

1 submitted to you. But we do have a court reporter
2 here. The entire testimony will be available if needed,
3 so return at quarter to 2:00, 1:45. Remember my
4 instructions. Do not talk to anybody about the case
5 at all.

6 (Recess)

7 MR. DREYER: Mr. Lombardino has advised
8 me that he has an application, your Honor.

9 MR. LOMBARDINO: Your Honor, if it
10 please the court, yesterday I believe I dictated that
11 there would be certain applications made by me
12 concerning witnesses who were being called by the
13 Government in regard to my ability to interview
14 them. At this time, your Honor, prior to my cross-
15 examination, this is the first time I have had occasion
16 to see Mr. Roth, I am making application to the court
17 to interview with Mr. Roth prior to my conducting of
18 my examination, the same situation that was afforded
19 Mr. Dreyer.

20 I certainly appreciate and understand,
21 your Honor, that I am bound by Mr. Roth's decision.
22 However, I am formally requesting Mr. Roth, through
23 the court, for an opportunity to sit down and discuss
24 and interview him prior to my commencing to ask my
25 questions on cross-examination.

1 a blanket disclosure is denied.

2 Now we have the grand jury question
3 about Margaret Buecher, B-u-e-c-h-e-r, and I had
4 time to read it very quickly in the last 15 minutes.
5 And Mr. Dreyer, I would like to have you state
6 again outside of the privilege that I know attaches
7 to grand jury testimony, what reasons are in your
8 mind why this should not be disclosed to the
9 defendants, because as you said, this witness is a
10 registered -- that is what you call her, a
11 registered informant?

12 MR. DREYER: Well, at the time
13 Miss Buecher was interviewed by the agents of the
14 Drug Enforcement Administration initially she was
15 registered as an informant. There came a time
16 when the privilege of non-disclosure was waived by
17 the Government. We provided her name, of course, to
18 the defense. Now, Mr. Ryan is correct when he says
19 we only did that at the eleventh hour, that is,
20 prior to trial, but nevertheless, what we are
21 relying on here is our privilege of not turning
22 over grand jury testimony to the defense where the
23 Government does not intend to call her. Now she is
24 -- the Government's position is that she is a
25 witness available to both sides, and that if they

1 desire, they may subpoena her if they know where
2 she is.

3 THE COURT: That is the question that
4 is important, the Government does not know where her
5 location is, and I do not know how the defendants
6 can find her. My only concern is, and I read the
7 minutes mainly with that thought in mind, is looking
8 for something that might endanger her life or be a
9 breach of security, but it seems to be running
10 along the same pattern, just naming a lot of people,
11 and maybe I -- it may be eye-opening in some
12 respects to these defenses.

13 MR. DREYER: Well, as I stated
14 before, your Honor, the Government was not going to
15 take a final position. We were going to reconsider
16 our own position in this, and I will say this, I
17 believe the defense wants the grand jury minutes
18 of Margaret Buecher because it is extremely relevant
19 to what a witness by the name of Paul Moscowitz
20 said. Now, it is the Government's plan to call
21 Mr. Moscowitz sometime during the later part of
22 next week, Thursday or Friday, and the only thing I
23 can say at this time is that over the weekend and
24 during the early part of next week, on Monday, I
25 will make the effort to make a final decision in this

1 matter.

2 THE COURT: I am going to reserve
3 on it. I didn't have time to read it well enough
4 to satisfy myself. I will reserve on -- my ruling
5 until Tuesday.

6 THE COURT: So I think we are ready
7 to go forward, are we, gentlemen?

8 MR. RYAN: I have two matters, if I
9 may.

10 The first I learned after the
11 testimony of Mr. Roth, that the interview he had
12 two nights before with Mr. Dreyer was later noted by
13 Mr. Dreyer in his notes, in other words, he inter-
14 viewed Mr. Roth, he didn't take notes in the presence
15 of Mr. Roth, but as I understand his practice, after
16 the interview that was conducted, and I would assume
17 within an hour or so after the interview was
18 conducted, Mr. Dreyer made notes of what Mr. Roth
19 had told him.

20 Now, my request is that those notes
21 be made available to us under 3500, Title 18.

22 THE COURT: Well, there is a late
23 case on that, isn't there?

24 MR. RYAN: Essentially contemporaneous
25 with the interview of the witness.

1 A For the last year.

2 THE COURT: Keep your voice up.

3 BY MR. DREYER:

4 Q What is your occupation Mr. Cohen?

5 A I do accounting and purchasing for a steel firm in
6 Brooklyn and I am an author.

7 Q I did not hear the last part.

8 Q I'm an -- I am an author.

9 MR. LOMBARDINO: I am having
10 difficulty. If he would direct his voice toward us,
11 it might help.

12 THE COURT: I know you are. Mr.
13 Cohen, relax now and keep your voice up when you
14 answer, because the jurors have to hear you and the
15 attorneys have to hear you. Kpee your voice up and
16 speak as loudly as you can. All right.

17 BY MR. DREYER:

18 Q Would you restate for the members of the defense table
19 what your occupation is?

20 A I do purchasing and accounting for a steel firm in
21 Brooklyn and I am an author.

22 Q Now, I direct your attention to the spring of 1972.
23 Where did you reside in the spring of 1972?

24 A In the spring of 1972, I was in Albany, New York. I
25 was a student at the State University.

* * *

1 best of your recollection?

2 A Just an agreement between us that I would.

3 Q Did there come a time when you took some steps to go
4 to Arizona?

5 A Yes.

6 Q Explain in detail what you did.

7 A Mr. Levy bought me a ticket.

8 Q First tell us when this occurred.

9 THE COURT: Speak up, now. Keep your
10 voice up.

11 A This occurred the first week of January 1973. Mr. Levy
12 bought me a ticket and I took an airplane from Albany
13 to Chicago to Tucson, Arizona.

14 Q Where was the ticket purchased?

15 A In Albany.

16 Q Did Mr. Levy pay for the ticket in your presence?

17 A No.

18 Q In other words, Mr. Levy gave you a ticket?

19 A Yes.

20 Q Did Mr. Levy give you anything else when you left on
21 the flight to Tucson?

22 A \$1,000.

23 Q Did he give you any instructions with reference to that
24 \$1,000?

25 A To give it to Mr. Cooney.

1 Q Did he mention Mr. Cooney's name at that time?

2 A Yes.

3 Q Did he give you anything else?

4 A No.

5 Q Did he tell you what to do with the \$1,000 prior to
6 your giving it to Mr. Cooney, did he tell you where to
7 put it or store it?

8 A No, he just --

9 MR. LEBETKIN: Objection as leading.

10 THE COURT: Overruled. I will allow
11 it. Let him tell us fully.

12 Now, tell us the conversation, what
13 Levy told you at that particular time.

14 A Just to give the money to Mr. Cooney when I arrived in
15 Tucson, Arizona.

16 Q What did you do with the \$1,000?

17 A I put it in the bottom of my shoe.

18 Q And did you fly to Tucson?

19 A Yes.

20 Q When did you arrive in Tucson?

21 A I arrived in Tucson the first week of January 1973.

22 Q And did you arrive at the Tucson airport?

23 A Yes.

24 Q What happened after you arrived at the Tucson airport?

25 A I waited there for about a half hour, and then Mr. and

1 Mrs. Cooney picked me up at the airport.

2 Q Had you seen Mr. and Mrs. Cooney before that time?

3 A No.

4 Q You had known Mr. Cooney from a previous relationship,
5 though, is that correct, from Syosset?

6 A Correct.

7 Q Would you recognize Mr. Cooney again if you saw him?

8 A Yes.

9 Q Is he in this Courtroom?

10 A Yes.

11 Q Look around and please point him out.

12 (Witness pointing).

13 Q Would you describe where he is?

14 A He is the third gentleman to --

15 Q Speak up.

16 A He is the third gentleman to my right.

17 Q To your left?

18 A To my left.

19 Q Now, you said that Mr. Cooney picked you up at the
20 airport. What happened after he picked you up?

21 A We returned to his home in Tucson, Arizona.

22 Q Do you recall the home?

23 A Only that it was a one-floor house.

24 Q What did you do when you got there?

25 A It was late at night. We all went to sleep.

1 Q What happened on the next day?

2 A The next day I went my separate ways and Mr. Cooney
3 went his separate ways.

4 Q Did you engage in any conversation with Mr. Cooney
5 about the purpose of your trip?

6 A Yes, that Mr. Cooney said that he was going to try to
7 get marijuana and that I would return with it to
8 Mr. Levy in Albany.

9 Q To the best of your recollection, was there any
10 marijuana there at that time?

11 A No.

12 Q Did Mr. Cooney explain the reasons for that?

13 A He said he would -- he hadn't been able to get any.

14 Q What happened after that?

15 A There came a time, a couple of days later, when Mr.
16 Cooney was able to get marijuana.

17 Q Did Mr. Cooney tell you that?

18 A After he had gotten it, yes.

19 Q What did he tell you?

20 A He told me that, "I was able to get marijuana, and you
21 can be on your way back to Albany."

22 Q Now, did you make some arrangements for obtaining an
23 automobile?

24 A We, myself and Mr. and Mrs. Cooney went down to the
25 Avis car rental at the Tucson airport, and we rented a

1 car.

2 Q At Avis?

3 A Correct.

4 Q you recall the type of car you rented?

5 A It was a yellow LeMans.

6 Q And in whose name was the car rented?

7 A I believe Mrs. Cooney's.

8 Q Is that your recollection?

9 A That is my recollection.

10 Q What did you do after you rented the automobile?

11 A I drove, starting driving towards Albany.

12 Q After you rented the automobile, did you take the
13 automobile back to the house?

14 A First we took the automobile back to the house.

15 Q And what did you do when you got back to the house?

16 A I didn't do anything, Mr. Cooney put a couple of
17 suitcases into the trunk and then I proceeded out of
18 town.

19 Q Did you observe Mr. Cooney put a couple of suitcases in
20 the trunk?

21 A Yes.

22 Q Did he give you anything else?

23 A Traveling expenses.

24 Q How much did he give you?

25 A \$100.

1 Q What did you do after he loaded the trunk?

2 A I left.

3 Q Left where?

4 A I left Tucson, Arizona.

5 Q What did you do?

6 A I began to proceed towards Albany, New York. I drove
7 to Phoenix that night.

8 Q After you arrived in Phoenix, did you stay overnight,
9 and what did you do the next day?

10 A I drove on to Grand Junction, Colorado.

11 THE COURT: Were you alone in the
12 car then?

13 THE WITNESS: Yes.

14 THE COURT: All right.

15 Q Did there come a time when you arrived back in New
16 York State?

17 A Yes.

18 Q What route did you take?

19 A New York State Thruway.

20 Q Did there come a time when you completed your trip?
21 Where was your trip completed?

22 A Mr. Levy's house on Old Loudon Road, Latham, New York.

23 Q Do you recall the number? Pardon?

24 A In Latham, New York.

25 Q Do you recall the number of the house that you

1 delivered the automobile to?

2 A 85, I believe.

3 Q To the best of your recollection, how long did it take
4 you to get from Tucson to 85 Old Loudon Road?

5 A Two-and-a-half days.

6 Q When you arrived at 85 Old Loudon Road, what, if
7 anything, did you do?

8 A I knocked on the door to inform Mr. Levy I was back.

9 Q Speak up.

10 A I knocked on the door to inform Mr. Levy I was back,
11 and he came out and we both carried the suitcases back
12 into his house.

13 Q Where did you take the suitcases?

14 A Into his living room.

15 Q Did you leave them there?

16 A Yes.

17 Q What, if anything, occurred after that?

18 A Mr. Levy just told me he would settle with me in a
19 couple of days.

20 Q And did he explain to you what he meant by "settle"?

21 A I was to be given 700 to make this trip.

22 Q Did there come a time when Mr. Levy did pay you some
23 money to make the trip? When did that occur?

24 A Three or four days later.

25 Q What happened? Please tell the jury.

* * *

1 in the trunk?

2 A I put it in the trunk.

3 Q Who put the suitcases in the trunk?

4 A Mr. Levy.

5 Q After the suitcases were put in the trunk, what, if
6 anything, did you do? .

7 A I picked up my friend, William Katz, and we drove back
8 to Tucson, Arizona in the LeMans.

9 Q Did you advise Mr. Levy that you would be taking Mr.
10 Katz with you?

11 A No.

12 Q All right. Continue, please. You took Mr. Katz
13 where?

14 A We drove to Tucson, Arizona and because I had not
15 advised Mr. Levy that I was taking Mr. Katz, I let Mr.
16 Katz off at a house in Tucson, Arizona and I proceeded
17 to Mr. Cooney's house.

18 Q Did you proceed to the same house that you had previous-
19 ly been to in the month of January?

20 A Yes.

21 Q About when did you arrive at the Cooney's house?

22 A At the end of March.

23 Q To the best of your recollection, when did you arrive?

24 A The middle of March.

25 Q Is that the best recollection you have?

- 1 A To the best of my recollection.
- 2 Q What happened after you arrived at the Cooneys' house?
- 3 A I gave Mr. Cooney the package that I had previously
- 4 described and then I left.
- 5 Q And where did you go?
- 6 A I went to stay with some friends in Arizona.
- 7 Q Do you recall who those friends were?
- 8 A Mr. Ross Brewster; Mr. Jeff Harwood.
- 9 Q Did there come a time when you returned to the Cooneys'
- 10 house, did there come a time when you went back to
- 11 Mr. Cooney's house?
- 12 A Yes.
- 13 Q When did you do that?
- 14 A Periodically during the next week.
- 15 Q What was the purpose of your going back there
- 16 periodically?
- 17 A To find out if any marijuana had been obtained by him.
- 18 Q Did there come a time when you discovered that
- 19 marijuana had been obtained?
- 20 A Yes.
- 21 Q When did you discover that?
- 22 A About a week after my arrival there.
- 23 Q How did you find out that the marijuana had arrived?
- 24 A Mr. Cooney told me.
- 25 Q What did he tell you?

- 1 A He told me that the marijuana had arrived.
- 2 Q Did he tell you where it had arrived from?
- 3 A No.
- 4 Q Did you observe any marijuana?
- 5 A No.
- 6 Q What did you observe?
- 7 A Suitcases.
- 8 Q And where were the suitcases?
- 9 A In Mr. Cooney's house.
- 10 Q Where in Mr. Cooney's house?
- 11 A In the bedroom.
- 12 Q After Mr. Cooney advised you that the marijuana had
- 13 arrived, what, if anything, did you do?
- 14 A We loaded it into a car that I had bought during the
- 15 stay in Arizona.
- 16 Q Go back and tell us when that car was purchased.
- 17 A That was purchased during the week in Tucson, Arizona.
- 18 Q Would you please explain now the circumstances leading
- 19 up to the purchase of that automobile?
- 20 A Mr. Cooney gave me an amount of money.
- 21 Q How much did he give you?
- 22 A \$1,000, and I bought a Dodge Polara. The car was put
- 23 in my name.
- 24 Q Was Mr. Cooney present when the car was purchased?
- 25 A He was present with me when we were searching for the

1 car? I do not recollect whether he was with me when
2 the car was actually purchased.

3 Q Did he give you cash or a check or some other form of
4 currency?

5 A Cash.

6 Q And you say you registered the car in your name, is
7 that correct?

8 A That's correct.

9 Q What happened after you purchased the car? What did
10 you do with it?

11 A I brought it back to the house I was staying at.

12 Q Did you leave it there?

13 A Yes.

14 Q Did you drive it around Tuscon at all?

15 A Yes.

16 Q Now, did there come a time when the suitcases which
17 you observed at the Cooneys' residence were loaded into
18 an automobile?

19 A Yes.

20 Q Which automobile?

21 A The Dodge Polara.

22 Q The one that you had purchased?

23 A That's correct.

24 Q After the suitcases were loaded into the automobile,
25 what, if anything, did you do?

- 1 A I began to take the ride back to Albany, New York.
- 2 Q And what route did you take this time?
- 3 A To the best of my recollection, it was Route 80,
- 4 Interstate Route 80.
- 5 Q Did there come a time when you arrived back in New
- 6 York State?
- 7 A Yes.
- 8 Q What was your destination?
- 9 A Latham, New York.
- 10 Q Where in Latham, New York?
- 11 A 85 Old Loudon Road.
- 12 Q Did you go 85 Old Loudon Road?
- 13 A That's correct.
- 14 Q When you arrived at 85 Old Loudon Road, what did you
- 15 do?
- 16 A I knocked on the door and nobody was there. I pulled
- 17 into the driveway, and I waited around for about a
- 18 half hour. Finally Mr. Levy came and, of course, he
- 19 knew I had arrived back.
- 20 Q I cannot hear you, Mr. Cohen.
- 21 A I waited around for about a half hour, and Mr. Levy
- 22 showed up and, of course, he knew I had come back. The
- 23 car was parked in the driveway.
- 24 Q What did you do after Mr. Levy arrived?
- 25 A I left and returned to an apartment I was living at on

* * *

1 A Yes -- he asked me if I would be willing to make
2 another trip out to Tucson, Arizona.

3 Q Speak up.

4 A He asked me if I would be willing to make another trip
5 out to Tucson, Arizona.

6 Q And do you recall what your response was?

7 A I said yes.

8 Q What did you do?

9 A The same preparations as before, suitcases were put
10 into the trunk, empty suitcases, and another package
11 that looked like a birthday present was put into the
12 trunk.

13 Q Did he tell you what was in the birthday present?

14 A Yes.

15 Q What did he tell you?

16 A Money.

17 Q Did he tell you how much?

18 A No.

19 Q After the car was loaded with empty suitcases, what
20 did you do?

21 A I drove out to Tucson, Arizona.

22 Q What was your destination?

23 A Mr. Cooney's home.

24 THE COURT: What car were you driving?

25 THE WITNESS: I am driving a Dodge

1 Polara.

2 BY MR. DREYER:

3 Q One that you had previously purchased in Tucson?

4 A That's correct.

5 Q How long did it take you to get to Tucson?

6 A Approximately two-and-a-half days.

7 Q Did anyone travel with you on this occasion?

8 A There was a young lady with me.

9 Q Do you recall who she was?

10 A I don't recall her name.

11 Q When you arrived at Mr. Levy's house, what, if any-
12 thing, did you do -- strike that. When you arrived
13 at Mr. Cooney's house, what, if anything, occurred?

14 A I just gave him the package once again and I left.

15 Q And where did you go?

16 A I went to my friend's home again.

17 Q Now, did there come a time when you called Mr. Cooney?

18 A Yes.

19 Q What was the purpose of your phone call to Mr. Cooney?

20 A I told him I could no longer take doing this.

21 Q Did you give him an explanation?

22 A I just told him I could no longer do it anymore. It
23 was making me too paranoid.

24 MR. RYAN: Too what?

25 THE WITNESS: Paranoid.

* * *

1 approached him and asked him what he was going to
2 testify, if I told you he said that here in the
3 Courtroom, would he be lying?

4 A Not to my -- he would be, to the best of my
5 recollection.

6 Q All right.

7 A May I add something? Last night when I returned to
8 the hotel room, I did not see anybody. The night
9 before I saw both Mr. Katz and Mr. Roth.

10 Q All right.

11 A Okay, when I first saw these people, they were not
12 exactly nice to me. When I did -- when I finally got
13 to talking to them, since I had -- first of all, I am
14 not a friend of Mr. Roth's, so I had little to say to
15 him. I had been a friend of Mr. Katz and when I
16 spoke to him, it was basically about what we had been
17 doing for the last six months, and he inquired about
18 my father's health.

19 Q All right. But at any rate, Mr. Cohen, you did not
20 say to Mr. Roth or did you not ask Mr. Roth what he
21 was going to testify to?

22 A Not to my recollection.

23 Q When you say "not to my recollection," is that because
24 you might not remember what you said to him Wednesday
25 night?

* * *
1 came in to Mr. Levy's house?

2 A No, he was not.

3 Q And if I told you that Mr. Roth said that he was with
4 Mr. Levy when you drove to the house, would you say
5 that Mr. Roth is a liar?

6 A To the best of my recollection, yes.

7 Q Now, you also told his Honor and this jury, upon direct
8 examination, that you gave Mr. Cooney -- withdrawn,
9 that Mr. Levy gave you \$1,000 to give to Mr. Cooney.
10 Do you remember testifying to that about an hour and
11 15 minutes ago?

12 A That's correct.

13 Q Now, when you spoke to Mr. Dreyer, and I make
14 reference to the statement that is Honor has, did you
15 tell Mr. Dreyer that Levy gave you \$1,000 to give to
16 Cooney?

17 A To the best of my recollection, yes.

18 Q Now, you say to the best of your recollection?

19 A When I spoke to Mr. Dreyer, it was a while back, as
20 you say, November.

21 Q As you sit here today, do you have an independent
22 recollection of whether or not you told Mr. Dreyer that
23 you received \$1,000 from Levy to give to Cooney? Do
24 you remember that today?

25 A To the best of my recollection, yes.

* * *

1 Q And I direct your attention to the year 1970, and
2 where did you reside in the year 1970?

3 A Albany, New York

4 Q And what was your occupation in Albany, New York?

5 A I was a student at the time.

6 Q Where?

7 A State University of New York at Albany.

8 Q And when did you begin your studies at the State
9 University?

10 A In 1970.

11 Q Now, as a student at the State University in Albany,
12 did there come a time when you met a man named Kevin
13 Cooney?

14 A Yes, sir.

15 Q And when did you meet Kevin Cooney?

16 A The first time that I met Kevin Cooney was socially
17 through Harold Levy, in the Spring of 1970, I believe
18 it was.

19 Q And during the time that you knew Harold Levy, during
20 that time, you knew the man called Harold Levy?

21 A Yes, I met him socially.

22 Q Did you see Mr. Levy and Mr. Cooney thereafter,
23 frequently?

24 A More frequently as time went on.

25 Q And sufficiently enough so that you could identify them

* * *

1 fee plus expenses.

2 Q Did he tell you how much he would pay you?

3 A At this time, I believe it was somewhere between
4 a thousand and twelve hundred dollars (\$1200.00).
5 That is as well as I can recall.

6 Q And did you respond to Mr. Levy at that time?

7 A I don't recall if I responded immediately, but sometime
8 within the next day or two I did respond.

9 Q Please speak up.

10 A Sometime during the next day or two, I did respond
11 to Mr. Levy.

12 Q And what was your response?

13 A I told him that I would, in fact, drive for him.

14 THE COURT: That you would?

15 THE WITNESS: I would, in fact, drive
16 the car for him.

17 THE COURT: All right.

18 BY MR. DREYER:

19 Q Did there come a time when you had another meeting,
20 concerning this driving?

21 A Yes, sir, prior to me leaving Albany.

22 Q And did you have a discussion with Mr. Levy?

23 A Mr. Levy told me that I was to fly to Arizona, and
24 he gave me a phone number, and told me I was to contact
25 one, Kevin Cooney, and that Mr. Cooney would make

1 arrangements from that point.

2 Q Speak up, and keep your voice up.

3 A Mr. Levy told me that I would go to Arizona, I should
4 contact one Kevin Cooney, and he would make the
5 arrangements for my return to New York.

6 THE COURT: What part of Arizona?

7 THE WITNESS: Tuscon, Arizona.

8 BY MR. DREYER:

9 Q Now, did there come a time when, you, in fact, left
10 Albany?

11 A Yes, sir.

12 Q And where did you leave from?

13 A To the best of my recollection, Albany Airport.

14 Q Did you purchase a ticket?

15 A Yes, sir.

16 Q And did you pay for the ticket?

17 A Mr. Levy -- I paid for it, and it was Mr. Levy's money.

18 Q And did you fly someplace?

19 A Yes, sir.

20 Q Where?

21 A First, to Chicago, and then on to Tuscon, Airzona.

22 Q And did you go with someone, or did you go alone?

23 A No, I went with my wife.

24 Q What is her name?

25 A Ellen Kaplan, and now Ellen Kaplan Katz.

1 Q And prior to leaving there, did Mr. Levy give you
2 anything?

3 A No, sir, not to the best of my recollection.

4 Q Now, let me --

5 MR. RYAN: Excuse me, but are we able
6 to fix a date?

7 BY MR. DREYER:

8 Q Tell us approximately when you left to go to Tuscon
9 on the flight?

10 A Just a second -- well, to the best of my recollection
11 it would be approximately the first week in April.

12 THE COURT: Of what year?

13 THE WITNESS: 1973.

14 BY MR. DREYER:

15 Q Did there come a time when you arrived in Tuscon?

16 A Yes, sir.

17 Q And what happened after you arrived at Tuscon?

18 A As I recall, Mr. Cooney met me at the Tuscon Airport,
19 my wife and myself, and picked us up.

20 Q Where did you go?

21 A To Mr. Cooney's residence.

22 Q And where was that?

23 A I do not know, sir.

24 Q And can you describe the residence?

25 A It was a medium-sized house, somewhere in the suburban

1 area of Tuscon.

2 Q And who was present at the house when you got there?

3 A Only Mr. Cooney.

4 Q And did you go to the house with your wife, Ellen
5 Kaplan?

6 A Yes, sir.

7 Q And how long did you stay in Tuscon, Mr. Katz?

8 A As I recall, approximately four (4) days.

9 Q And did there come a time when you left Tuscon?

10 A Yes, sir.

11 Q And would you describe to the jurors, the circumstances
12 leading up to your departure?

13 A I was at Mr. Cooney's house, as I said, as I recalled,
14 and this would make it two (2) to three (3) days.
15 Mr. Cooney received some sort of information, and he
16 told me --

17 MR. LOMBARDINO: I object.

18 THE COURT: Sustained.

19 BY MR. DREYER:

20 Q Did he say something to you?

21 A He related the fact to me that Marijuana had been
22 obtained and that I would be leaving the next day
23 to drive it to New York.

24 Q And what happened after that conversation?

25 A So far as I can recall, the next day Mr. Cooney took me

1 to a house where the car was.

2 Q What kind of a car was it?

3 A To the best of my recollection, it was a 1971 Dodge.

4 Q And in whose name was the car registered, do you know?

5 A Marc Cohen.

6 Q Had you previously seen that automobile?

7 A Yes, sir.

8 Q Now, what did you do after you got to the other house
9 and observed the automobile?

10 A Mr. Cooney gave me some minimal instructions --

11 Q What did he tell you?

12 MR. LOMBARDINO: I object.

13 BY MR. DREYER:

14 Q What did he tell you?

15 A He told me that I should be careful when I drove. I
16 should not drive at night. I should take a specific
17 route out of Arizona, avoid New Mexico, and certain
18 parts of Colorado, and then proceed east to New York
19 and contact Mr. Levy upon my arrival.

20 Q Did there come a time when you prepared the automobile
21 for departure?

22 A Yes, sir. To the best of my recollection, the night
23 before I left, Mr. Cooney and I did go to the same
24 house that I departed from the next morning, and the
25 Marijuana was transferred from the house to the trunk

1 of the automobile.

2 Q How was the Marijuana packed?

3 A In suitcases.

4 Q Would you describe the suitcases?

5 A Approximately four and a half (4-1/2) to five (5)
6 feet long, and three (3) feet wide, and eight (8) inches
7 deep, with a zipper enclosure on the larger suitcase
8 which opened it up so that you had access to the entire
9 inside of the suitcase.

10 Q And to the best of your knowledge, was the automobile
11 prepared in any other way?

12 A By me?

13 Q By you?

14 A Not by myself, no, sir.

15 Q Did someone tell you that the automobile was prepared

16 A Some months before I had been in Tuscon, on a personal
17 visit, and I had seen what I believed to be, at that
18 point, I recalled to be the same automobile taken to
19 a garage by Mr. Marc Cohen, for over-loaded shock
20 absorbers, and a tape-deck was installed in the automobile.

21 Q Now, at the time of the departure, who was present with
22 you in the automobile?

23 A My wife.

24 Q Did you leave Tuscon?

25 A Yes, sir.

* * *

1 A I went to Mr. Levy's house at 85 Old Loudon Road --

2 Q When?

3 A I believe it was, to the best of my recollection two (2)
4 to three (3) days -- well, within the next two (2) or
5 three (3) days after my return, and Mr. Levy and I
6 did remove a quantity of Marijuana from the trunk of
7 the car that I had driven, and Mr. Levy accounted for
8 it, and gave some of it to me.

9 Q How much was it?

10 A To the best of my recollection between fifty (50) and
11 one hundred (100) pounds.

12 Q And did you give anything to Mr. Levy in exchange for
13 that Marijuana?

14 A I believe I gave him a small quantity of cash, which
15 I had, myself, and also the agreed amount of money
16 that I was to be paid for driving was deducted from
17 the amount of money that I owed Mr. Levy for the
18 Marijuana.

19 Q And do you recall, what, if anything, you did with
20 that Marijuana?

21 A I sold it.

22 Q To whom?

23 A Once again, the only person I can recall selling the
24 Marijuana to at this time was Mr. John Tibbetts.

25 Q And how much did you give to him?

* * *

1 He offered me, to the best of my recollection, between
2 one thousand dollars (\$1,000.00) and twelve hundred
3 dollars (\$1200.00) and expenses for driving the car to
4 Arizona, and returning.

5 BY MR. DREYER:

6 Q Did you respond to Mr. Levy, at that time?

7 A Yes, sir.

8 Q And what did you say?

9 A I told Mr. Levy, I would, in fact, drive the car for
10 the Marijuana -- to Arizona and return.

11 Q Now, did there come a time, when you, in fact, left the
12 Albany area?

13 A Yes, sir.

14 Q And when did you leave?

15 A Shortly thereafter. Within the next, I would say
16 two (2) to three (3) days.

17 Q And what -- by what means of transportation?

18 A Driving an automobile.

19 Q Which automobile?

20 A The automobile registered to Marc Cohen. To the best
21 of my recollection it was the same automobile that
22 I had returned from Arizona in the previous time.

23 Q And that automobile was registered to Marc Cohen?

24 A Yes, sir.

25 Q Did anyone accompany you on this trip?

1 A Yes, sir.

2 Q Who?

3 A My wife.

4 Q Ellen Kaplan?

5 A Yes, sir.

6 Q Prior to leaving, did Mr. Levy give you anything?

7 A He gave me a quantity of cash, which, to the best of
8 my recollection, was between nine thousand dollars
9 (\$9,000.00) and twelve thousand dollars (\$12,000.00).
10 He also gave me expense money, and a phone number and
11 instructions to contact Mr. Cooney, when I did, in fact,
12 arrive in Tuscon, Arizona.

13 Q Now, did he tell you, or did he give you any instructions
14 regarding the nine thousand (9,000) to twelve thousand
15 dollars (\$12,000.00)?

16 A Just be careful with it, and to give it to Mr. Cooney
17 when I arrived in Arizona.

18 Q Did there come a time when you left?

19 A Yes, sir.

20 Q And what route did you take?

21 A I proceeded to the Northway -- no, excuse me, I proceeded
22 to the New York State Thruway, West, through Buffalo,
23 and on to -- I believe, it is Route 90 in northern Ohio.

24 Q Did there come a time when you had an unusual experience
25 in Ohio?

1 A Yes, sir.

2 Q And do you recall that unusual experience?

3 A Yes, sir, I was stopped by an Ohio State Trooper,
4 who, to the best of my recollection, gave me some
5 problems about reciprocity, that I had a license from
6 one state --

7 MR. LOMBARDINO: I object to this
8 conversation.

9 BY MR. DREYER:

10 Q Just tell us: were you stopped? .

11 A Yes, sir.

12 Q And did there come a time when this officer looked
13 into your trunk?

14 A Yes, sir.

15 Q And what did he see, to the best of your knowledge?

16 A He searched my personal effects, and he found one
17 packet of money containing approximately four thousand
18 dollars (\$4,000.00), as I recall.

19 Q Now, after he saw that money, what happened?

20 A I made an explanation to the officer --

21 MR. LOMBARDINO: I object.

22 BY MR. DREYER:

23 Q Did you explain something to the officer?

24 A Yes, sir.

25 Q And what did you say?

1 MR. LOMBARDINO: I object.

2 THE COURT: Wait a minute. Overruled,
3 and I will allow it.

4 THE WITNESS: I told the officer that
5 the money belonged to my wife and myself, and that
6 we were moving to Arizona, and that we took the money
7 as cash, and it was our entire savings, and that we
8 were taking it to Arizona, and merely returning the car
9 for a friend of ours who allowed us to use it as
10 transportation.

11 BY MR. DREYER:

12 Q Did there come a time when the officer let you go?

13 A Yes, sir.

14 Q And what did you do then? Did you continue with your
15 travels?

16 A Yes, sir, I traveled on for a short period of time,
17 and then I stopped the car, reopened the trunk, and
18 re-examined my luggage and personal effects to make
19 sure that all of the money that Mr. Levy had given
20 me was still, in fact, in my possession.

21 Q And what did you find?

22 A At that particular time, I found that there was one
23 parcel of money missing, or to my belief there was
24 one parcel of money missing.

25 Q And what did you do after discovering that?

1 A I called Mr. Cooney in Arizona.

2 Q And did you have a conversation with him?

3 A I told Mr. Cooney exactly what had happened. He told
4 me that I should find a lawyer in the area, and
5 explained the situation to the lawyer in the area,
6 and get back to him.

7 Q And what happened thereafter?

8 A I drove a little bit farther down the road to a phone
9 booth outside of Toledo, Ohio, to the best of my
10 recollection, and I tried to retain an attorney, but
11 it was late in the evening and I was having problems
12 getting through to any attorney's offices.

13 During this time period, when I was on
14 the phone, my wife went back to the trunk of the car
15 and re-examined my personal effects, and went through
16 some bags of hers which I had not searched for the
17 money in, and found the parcel of money, which we,
18 in fact, thought that we had either mislaid or lost.

19 Q And what did you do after the money was found, again?

20 A I called Mr. Cooney and told him that we had obviously
21 made some mistake, and that we had found the parcel
22 of money and that everything seemed to be in order,
23 and he told me to proceed to Arizona.

24 Q Did you proceed to Arizona?

25 A Yes, sir.

1 Q And about when did you arrive in Arizona?

2 A To the best of my recollection, about four (4) days
3 after that incident.

4 Q And when you arrived in Arizona, what did you do?

5 A I called Mr. Cooney and he came and met me and my wife.

6 Q Where did he meet you?

7 A At a car wash.

8 Q And after he met you, what, if anything, happened?

9 A Mr. Cooney led us to the house which I had been to
10 the previous time, where we left the automobile and
11 then Mr. Cooney took my wife and myself back to his
12 residence.

13 Q Did you stay in Tuscon?

14 A Yes, sir.

15 Q For how long?

16 A To the best of my recollection, nearly one (1) week.

17 Q And what happened after the week went by?

18 A I decided that I could no longer remain in Tuscon,
19 and that I was not interested in running with that
20 load of Marijuana, and so I asked Mr. Cooney if he
21 would please allow my wife and I to return to New York.
22 I told him that we were returning to New York.

23 Q And what did Mr. Cooney say?

24 A Mr. Cooney said, 'fine', and he took us to the airport,
25 and we got on the plane, and we went back to New York.

* * *

1 Q You are dropping your voice.

2 A It was a pre-fabricated type of house, with redwood
3 siding and large porches around the outside. It was
4 set in from the road perhaps five hundred yards.

5 Q And on this occasion that you went to Crescent, do
6 you recall seeing anyone else there?

7 A No, sir, not to the best of my recollection.

8 Q Did you see Mr. Levy?

9 A Yes, sir.

10 Q And who else did you see?

11 A To the best of my recollection, I saw the car which
12 I had transferred to Tom Jennings, and it was in Mr.
13 Levy's driveway.

14 Q And did you observe anything about that automobile
15 at that time?

16 A To the best of my recollection, Mr. Levy and myself
17 removed Marijuana from the trunk of that car, which
18 I obtained some from Mr. Levy.

19 Q How much did you observe in the automobile?

20 A I can't say for sure.

21 Q How much did you receive?

22 A Between fifty and one hundred pounds.

23 Q And where did you receive that quantity?

24 A In the back bedroom of Mr. Levy's house at Crescent.

25 Q And would you describe the back bedroom?

* * *

1 happening except, you know, the usual social --

2 Q Did you examine the automobile?

3 A Not on that evening, no, sir.

4 Q And did there come a time when you left Mr. Levy's
5 house on that night?

6 A Yes, sir.

7 Q And where did you go?

8 A I went home.

9 Q And did you return to Mr. Levy's house?

10 A Yes, sir.

11 Q When?

12 A The next day.

13 Q And what, if anything, happened when you returned?

14 A I acquired a quantity of Marijuana from Mr. Levy.

15 Q Where?

16 A At his house in Crescent.

17 Q And where, specifically in the house?

18 A In the bedroom of the house at Crescent.

19 Q Now, prior to receiving that, had you examined the
20 brown and white Chrysler?

21 A Yes, I helped Mr. Levy take the Marijuana from the
22 trunk of the brown and white Chrysler and move it into
23 the bedroom in the back of his house.

24 Q And who else was present when you helped him unload it?

25 A To the best of my recollection, Robert Roth, was also

* * *

1 A I would, in fact, drive for Mr. Levy.

2 MR. LEBETKIN: He would or he would not?

3 THE COURT: He would. Speak up so
4 that we can hear you.

5 THE WITNESS: Yes, sir.

6 BY MR. DREYER:

7 Q Did there come a time when you departed from Albany?

8 A Yes, sir.

9 Q When?

10 A I would say within the week after the conversation
11 to the best of my recollection.

12 Q Do you recall the means of transportation that you
13 took?

14 A No, sir.

15 Q Where were you going?

16 A To Tuscon, Arizona.

17 Q And can you tell us whether you arrived at Tuscon?

18 A Yes, sir.

19 Q And can you tell us how you arrived at Tuscon?

20 A No, I don't recall whether I drove or flew.

21 Q And when you arrived at Tuscon -- strike that.

22 Did you travel with somebody?

23 A No, sir.

24 Q You were alone?

25 A Yes, sir.

1 Q Did there come a time when you arrived in Tuscon?

2 A Yes, sir.

3 Q And what, if anything, did you do after you arrived
4 at Tuscon?

5 A I met with Kevin Cooney.

6 Q Where?

7 A I don't recall our initial meeting at Tuscon, but
8 I do recall going first to an apartment where Mr. Cooney
9 left personal effects. He then took me to his house,
10 where I stayed for a short period of time, and then
11 he returned me to the apartment where I had stayed
12 overnight.

13 Q Did you look around this apartment?

14 A Yes, sir.

15 Q And can you describe it for the members of the jury?

16 A It was a one-bedroom apartment, with a living room,
17 kitchen, and a bathroom off of the bedroom in the
18 rear of the apartment. Also, a small wall closet.

19 Q All right. Did you observe anything in the apartment?

20 A I observed some personal effects and clothing which,
21 from my memory, I believe belonged to John LeFebvre.

22 Q You say that you believed that you recognized the
23 clothing?

24 A Yes, sir.

25 Q And how did you recognize the clothing?

1 A It was hanging in a closet there, and I saw it -- there
2 was a particular coat there that John Lefebvre purchased
3 in my presence in Albany, New York, and we were both
4 at one particular time, we had gone and purchased
5 two leather coats, and that specific leather coat was
6 hanging in the closet in Arizona.

7 Q And did there come a time when you left Tuscon?

8 A Yes, sir.

9 Q And when?

10 A To the best of my recollection, two or three days after
11 I arrived.

12 Q Can you describe the circumstances which lead up to
13 your departure?

14 A Yes, sir. Mr. Cooney returned to the apartment where
15 I had been, or where he had left me to stay. And
16 Miss Kathi Hesson, as I recall, brought the car to the
17 apartment.

18 Q What car?

19 A The brown Chrysler with the white top, and Mr. Cooney
20 then gave me the car -- the keys to the car, and told
21 me to proceed to New York to meet Mr. Levy.

22 Q Did you observe anything in the automobile?

23 A No, sir, not at that time.

24 Q And did anyone make any statements to you concerning
25 the contents of the automobile?

* * *

1 Did there come a time when you looked in the automobile
2 or unloaded the automobile?

3 A Yes, sir, I helped Harold -- Mr. Levy transport the
4 suitcases of Marijuana in limited quantities from the
5 trunk of the car that I had driven, into the bedroom
6 at the back of the house at Crescent.

7 Q And how much Marijuana did you accept from that
8 quantity?

9 A To the best of my recollection, between one hundred
10 and two hundred pounds.

11 Q And did you pay Mr. Levy for that Marijuana?

12 A According to the arrangements which we had had in
13 the past.

14 Q Was anybody else present at that time, to the best
15 of your recollection?

16 A No, sir.

17 Q What did you do with the Marijuana that you received?

18 A I sold, it, sir.

19 Q To whom?

20 A At this time, I believe mainly to Paul Moscovitz,
21 Paul Commuso, and Curt Ponzi, and Harvey Abbott, and
22 Richard Hessing, and others whom I don't recall at
23 this time.

24 Q I now direct your attention of October of 1974. Did
25 you have occasion to meet with Harold Levy in October

1 of 1974?

2 A Yes, sir.

3 Q Do you recall having a conversation with Mr. Levy in
4 1974; October of 1974?

5 A Not specifically, no, sir.

6 Q Did you meet with Mr. Levy frequently?

7 A Yes, sir.

8 Q And did you meet with him socially?

9 A Yes, sir.

10 Q And did there come a time in October of 1974 when you
11 had a conversation with Mr. Levy concerning the state
12 of New Mexico?

13 MR. LOMBARDINO: Now, I can't hear
14 Mr. Dreyer.

15 THE COURT: I didn't hear either one
16 of them.

17 BY MR. DREYER:

18 Q Did there come a time in October of 1974 when you
19 had a conversation with Mr. Levy concerning the
20 state of New Mexico?

21 A Sometime during the month of --

22 MR. LEBETKIN: I object to that, because
23 he is leading.

24 THE COURT: Overruled. I will allow
25 it.

1 THE WITNESS: In late fall of 1974, I
2 did have a conversation with Mr. Levy concerning an
3 amount of money that had been confiscated --

4 THE COURT: Where did you have the
5 conversation?

6 THE WITNESS: Excuse me, I believe in
7 the house as Crescent.

8 THE COURT: Who was there?

9 THE WITNESS: Mr. Levy and myself.

10 THE COURT: All right.

11 BY MR. DREYER:

12 Q What did Mr. Levy tell you at that time?

13 A As I recall Mr. Levy told me that someone who was
14 driving in the same capacity that I had in the past,
15 had been --

16 MR. LEBETKIN: I object to that
17 characterization, 'in the same capacity'.

18 THE WITNESS: Someone who was driving
19 for himself had been stopped in New Mexico and a large
20 quantity of money had been taken from the person by
21 authorities.

22 BY MR. DREYER:

23 Q And did he tell you anything else; did he tell you
24 how much?

25 A He gave me a figure which I recall to be approximately

1 twenty-thousand dollars to twenty-five thousand dollars.

2 Q And did he say anything else to you about that quantity
3 of money?

4 A He was in -- he went into a lengthy conversation
5 about his responsibilities for --

6 MR. LEBETKIN: I object.

7 THE COURT: You cannot describe it that
8 way. Just tell us if you recall what he said, and his
9 words, and not what your words were.

10 THE WITNESS: Mr. Levy told me he was
11 responsible for half of the loss of whatever money would
12 be lost, because of these problems.

13 BY MR. DREYER:

14 Q Did he describe to you a financial arrangement between
15 himself and Mr. Cooney?

16 MR. LEBETKIN: Objection.

17 THE COURT: Sustained.

18 BY MR. DREYER:

19 Q Just tell us what he told you?

20 A Mr. Levy merely told me about Mr. Cooney, and himself
21 if they were to, say, lose twenty thousand dollars,
22 then, Mr. Levy, in fact, was losing ten thousand dollars
23 because they were, as far as Mr. Levy has told me,
24 as far as expenditures, they were --

25 MR. LEBETKIN: I am going to object.

1 I don't know if this witness is relating the conversation
2 asked for by Mr. Dreyer on October in 1974, or is
3 just beginning a general discussion.

4 BY MR. DREYER:

5 Q Well, we will limit ourselves to the conversation in
6 October of 1974.

7 A That is correctly what I am talking about, sir.

8 THE COURT: Tell us the full conversation
9 You are at a particular place, and you started to tell
10 us something, and tell us everything that was said
11 between you and him.

12 THE WITNESS: I cannot quote the conver-
13 sation word for word.

14 THE COURT: Describe it the best you
15 can, and what was said at that time.

16 THE WITNESS: Mr. Levy told me that
17 someone who was driving for him had lost a quantity
18 of money in New Mexico. He told me the quantity was
19 between twenty thousand dollars and twenty-five
20 thousand dollars, to the best of my recollection, and
21 that ne was responsible for half of this monetary loss.

22 BY MR. DREYER:

23 Q Thank you. Now, I direct your attention to November
24 the winter of 1974. Did you have occasion to leave
25 the Albany area?

- 1 A Yes, sir.
- 2 Q Where did you go?
- 3 A Westover, Vermont.
- 4 Q For what purpose did you go to Westover, Vermont?
- 5 Did you just move out of Albany?
- 6 A Yes, sir.
- 7 Q And did you reside in Westover?
- 8 A Yes, sir.
- 9 Q And with whom did you go to Westover?
- 10 A Harold Levy.
- 11 Q When did you go, to the best of your recollection?
- 12 A As I recall, it was late November, or early December
- 13 of 1974.
- 14 Q And can you tell us where you lived, and what type
- 15 of house you lived in?
- 16 A We lived in a two-story private residence that was just
- 17 off of Route 100 in Westover.
- 18 Q Now, did there come a time after you moved to Vermont,
- 19 to Westover, Vermont, when you again observed the
- 20 white camper, which you have previously described?
- 21 A Yes, sir.
- 22 Q And when did you observe that camper?
- 23 A To the best of my recollection, it was in the early
- 24 part of January, 1975.
- 25 Q And under what circumstances did you observe it?

1 A The white camper was parked in the driveway of the
2 house that we lived in.

3 Q And do you recall when it was parked there?

4 A No, sir, I was not there when the truck was brought
5 there.

6 Q After you moved to Vermont, did you ever see the truck
7 arrive at the house?

8 A No, sir, I never saw the truck specifically arrive
9 or leave.

10 Q Now, I direct your attention to January of 1975. Do
11 you know a man by the name of Richard Hessing?

12 MR. LEBETKIN: What is the name?

13 MR. DREYER: Richard Hessing.

14 THE WITNESS: Yes, sir.

15 BY MR. DREYER:

16 Q Did you have occasion to see a Richard Hessing in
17 1975?

18 A Yes, sir.

19 Q Where?

20 A At the house, at Harold Levy's house, where I lived
21 there in Westover, Vermont.

22 Q And when did he go to that house, to Westover?

23 A He came to the house near the end of January of that
24 year.

25 Q And to your knowledge, do you know where -- do you know

1 where -- do you know where Mr. Hessing comes from?

2 A At that time, he was residing in Plattsburgh, New York.

3 Q What happened after he arrived at your house in Westover?

4 A He came there to ski for a few days, and, you know,
5 just socialize in the snow.

6 MR. RYAN: I must object to the relevancy
7 of this. Mr. Hessing is not named in this case, and
8 he was there to ski, and I don't see any relevancy with
9 this case.

10 I object to listening to irrelevant
11 information.

12 THE COURT: I don't know. I don't know
13 what we are leading to here.

14 MR. DREYER: The next question should
15 answer that.

16 THE COURT: He is not named as a
17 Defendant?

18 MR. DREYER: The Indictment said a
19 conspiracy between known and unknown people to the
20 Grand Jury, Your Honor.

21 THE COURT: But he is not named?

22 MR. RYAN: And he never has been named
23 during the pre-trial proceedings. He never has been
24 named as an alleged co-conspirator during the pre-trial
25 conversations.

1 THE COURT: Overruled., I will allow
2 it. Be careful. We are getting into a new name.

3 MR. DREYER: He was listed in one of
4 the papers to the Court. That was during the jury
5 selection.

6 MR. RYAN: I can't hear you.

7 MR. DREYER: I am saying that he was
8 named in the pre-trial papers.

9 MR. RYAN: He was? I may be in error.

10 BY MR. DREYER:

11 Q Now, did Mr. Hessing go to your house in Westover for
12 any other purpose other than skiing?

13 A Yes, sir, to acquire Marijuana from me.

14 Q Did he do so?

15 A Yes, sir.

16 Q When?

17 A At the end of the week that he had stayed there.

18 Q How much did he obtain from you?

19 A Approximately fifty pounds.

20 Q Did he pay you for that Marijuana?

21 A Yes, sir.

22 Q And what did you do with the money that he paid you?

23 A I gave the amount that I owed to Harold Levy for
24 the Marijuana, and I retained the rest for myself.

25 THE COURT: Where is Levy, at this time?

1

THE WITNESS: He is living with me in

2

the house.

3

BY MR. DREYER:

4

Q And where did you obtain the Marijuana from that you gave to Mr. Richard Hessing?

5

6

A From Levy.

7

Q Where was the Marijuana kept?

8

A In the attic of the house in Westover.

9

10

MR. LOMBARDINO: I will object to this on behalf of Mr. Cooney.

11

MR. RYAN: I also object.

12

13

14

15

16

MR. LEBETKIN: This happened in the state of Vermont, and there is no connection, I submit, based upon the testimony, connecting the Marijuana found in the house in Vermont to any of these Defendants.

17

18

19

20

21

22

23

24

25

THE COURT: Well, I have to stay on the same principles that I have talked to the jury about, and I think that you are familiar with them, Mr. Lombardino, and a conspiracy prosecution of this kind, after the conspiracy is proven there is an independent effort linking certain members, and we have the declaration of everyone in furtherance of the conspiracy, and that may be received and evaluated by the jury.

MR. LEBETKIN: I understand that, but

1 this witness is now testifying of an alleged quantity
2 of Marijuana supposedly found, or taken from an attic
3 in a house in Vermont. There is no connection with
4 that Marijuana, if it is to be believed by the jury,
5 and any of the Defendants.

6 THE COURT: He is talking about Mr. Levy
7 living in the same house.

8 MR. LEBETKIN: But in the state of
9 Vermont. And there is no evidence by this witness
10 so far connecting that Marijuana, other than with
11 the Defendant Levy.

12 THE COURT: No, overruled, and I will
13 allow it.

14 MR. RYAN: Your Honor?

15 THE COURT: Mr. Ryan?

16 MR. RYAN: I do not want to belabor this,
17 but I must say that this Richard Messing transaction
18 is a surprise to me, and I have just reviewed my
19 documents and I do not see him mentioned anywhere as
20 part of this conspiracy.

21 THE COURT: Well, I don't know enough
22 about that. Are you going to pursue this, Mr. Dreyer?

23 MR. DREYER: Not with this witness, no.
24 Not the Richard Messing matter, no.

25 MR. LOMBARDINO: In light of the fact

1 that I, too, have examined my discovery, and I find
2 nothing concerning or relating whatsoever to this
3 Richard Hessing, I respectfully move for a declaration
4 of a mistrial.

5 THE COURT: Motion denied.

6 MR. DREYER: They should examine the
7 papers referring to Paul Commuso.

8 MR. LEBETKIN: I join in the Motion, for
9 the removal of the jury at this time. There is no
10 testimony to delineate how this Marijuana arrived
11 in the attic, and whether it was delivered there or
12 found there, and it has no logical reference to any
13 alleged conspiracy whatsoever.

14 MR. LEONE: I join in that Motion.

15 THE COURT: Motion denied for the mistrial.

16 BY MR. DREYER:

17 Q Mr. Katz, did you see the Marijuana that was stored
18 in the attic arrive at the house in Westover?

19 A No, sir, I did not. I cannot recall seeing the
20 Marijuana arrive. I do recall helping Mr. Levy move
21 the Marijuana from different types of automobiles
22 and transferring it --

23 MR. LOMBARDINO: I am going to object
24 to that.

25 THE COURT: Please, we are in Vermont now,

1 and keep him in that location.

2 BY MR. DREYER:

3 Q Mr. Katz, you testified that you moved to Vermont?

4 A Yes, sir.

5 Q And did there come a time when you observed a vehicle
6 arriving at the house in Vermont that you were sharing
7 with Mr. Levy?

8 A I saw a number of vehicles arrive.

9 THE COURT: Speak up and tell the jury.

10 THE WITNESS: I saw a number of vehicles
11 arrive.

12 BY MR. DREYER:

13 Q Were they different vehicles?

14 A Yes, a number of different vehicles arrived.

15 Q And can you describe the vehicles before telling us
16 when these vehicles arrived?

17 A I know that the camper, which was described before
18 arrived --

19 THE COURT: Not what you described
20 before. Tell us what arrived.

21 THE WITNESS: A white Chevrolet camper
22 with a white camper top, and a gold Oldsmobile.
23 Aside from that, the only cars that I saw arrived
24 were arriving to my knowledge for social purposes.

25 BY MR. DREYER:

1 Q You saw a white camper?

2 A Yes, sir.

3 MR. LEBETKIN: Can you fix the time?

4 BY MR. DREYER:

5 Q When did you see the white camper?

6 A Mid-January, to the best of my recollection.

7 Q What year?

8 A It was 1975.

9 Q When?

10 A January.

11 Q January of 1975 and do you recall who arrived in the
12 white camper?

13 A No, sir.

14 Q Do you recall looking in the white camper or examining
15 it?

16 A At the time, yes, sir.

17 Q And did there come a time when you took something out
18 of the white camper?

19 A Yes, sir.

20 Q What?

21 A Marijuana.

22 Q How much?

23 A To the best of my recollection, four to six hundred
24 pounds.

25 Q And what did you do with it?

1 A We moved it -- I moved the Marijuana, from the camper
2 to the attic of the house in Vermont.

3 MR. LEBETKIN: Now, I am going to object
4 to this. Again, he is testifying about an event without
5 a foundation connecting this camper with any of these
6 Defendants.

7 THE COURT: All right. Who took the
8 four hundred or the six hundred pounds out of the
9 camper?

10 THE WITNESS: Mr. Levy and myself.

11 THE COURT: And you are at where or
12 what place?

13 THE WITNESS: I am at Mr. Levy's and
14 my house at Westover, Vermont.

15 THE COURT: And did you see how the
16 camper got there?

17 THE WITNESS: No, sir, I already said
18 I was not there when the camper arrived.

19 MR. LOMBARDINO: I object, on behalf
20 of the Defendant Cooney, at least, Your Honor.

21 THE COURT: Overruled with the same
22 instructions to the jury. Weight it against the
23 particular persons that he names.

24 You have to wait for further evidence
25 and so forth.

1 BY MR. DREYER:

2 Q Now, did there come a time when you left the state of
3 Vermont?

4 A Yes, sir.

5 Q And when did you do that?

6 A To the best of my recollection, the end of April;
7 the middle to the end of April of 1975.

8 Q Where did you go after you left the state of Vermont?

9 A I returned to my house at 12 Catskill Street, Albany,
10 New York.

11 Q And how long did you live at Catskill Street?

12 A Until the end of May of that year.

13 Q And where did you go at the end of May, that year?

14 A I moved into a residence with one Paul Cammusi, in
15 Niskayuna, New York.

16 Q After you left Vermont in the spring of that year,
17 did you continue to see Harold Levy?

18 A I saw Mr. Levy a few times during that period of time.

19 Q And when did you see him again, after you left Vermont?

20 A The specific dates, I can't recall. I saw him a
21 number of times, both at my house at Catskill Street,
22 and after I had moved to my house in Niskayuna.

23 Q Did there come a time when you saw Mr. Levy at Mr.
24 Cammusi's house?

25 A Yes, sir.

* * *

1 with one Curtis Ponzi?

2 A No, sir.

3 Q And did you ever come back and sell some to Curtis
4 Ponzi?

5 A I sold Marijuana to Curtis Fonzi.

6 Q Do you know an individual by the name of Andrew Blossy?

7 A No, sir.

8 Q And this morning you testified that you had a conversation
9 with Levy where Levy told you that some twenty thousand
10 dollars was confiscated in New Mexico, and do you recall
11 testifying to the jury this morning about that?

12 A Yes, sir.

13 Q And you also went on to say that Levy told you that
14 he had to absorb fifty percent of the loss, and Cooney
15 had to absorb another fifty percent of the loss, and
16 do you remember that?

17 A I believe that that is what Mr. Levy told me, yes, sir.

18 Q Now, when, for the first time did you ever tell that
19 to anyone?

20 A I don't recall, sir.

21 Q You don't recall. Well, let me show you Defendants'
22 Exhibit C and D, marked respectively --

23 THE COURT: Let's first get his answer.

24 MR. LOMBARDINO: He said he didn't

25 recall.

1 THE WITNESS: He asked me the first time,
2 and I do not recall the first time that I told that to
3 anyone. He would have to be more specific.

4 THE COURT: Ask it directly if he made
5 the statement either to Dreyer or the Agent.

6 MR. LOMBARDINO: Thank you, Your Honor,
7 I will.

8 BY MR. LOMBARDINO:

9 Q In May of this year, some five or six months ago, or
10 last night, or last week, did you ever tell Mr. Dreyer,
11 or did you ever tell Mr. Tripp that Levy told you that
12 there was a twenty thousand dollar loss in New Mexico
13 and ten thousand dollars was absorbed by Cooney and
14 ten thousand dollars was absorbed by Levy, and did you
15 ever tell that to anybody, Mr. Katz?

16 A Not in those specific words, sir; no.

17 Q So that today was the first time that you testified
18 or told that to anyone, isn't that fair to say, Mr. Katz?

19 A Excuse me, but I think --

20 Q Would you please answer my question.

21 THE COURT: Did you tell that to
22 Mr. Dreyer?

23 THE WITNESS: I did not say it to
24 Mr. Dreyer, specifically in the words that the attorney
25 approached me with.

1 THE COURT: How did you do it?

2 THE WITNESS: I did relate the occurrence
3 to Mr. Dreyer.

4 THE COURT: All right.

5 BY MR. LOMBARDINO:

6 Q And what did you say to Mr. Dreyer -- when did you
7 tell this to Mr. Dreyer?

8 A I believe when I met with Mr. Dreyer after my plea.

9 Q All right. Now, what did you tell Mr. Dreyer, back
10 in May, when you took your plea around that time,
11 April or May, concerning this twenty thousand dollars?

12 A I believe that I merely told him that such an incident
13 had occurred, and that I had had a discussion with
14 Harold Levy about it.

15 Q Look at those two reports and the notes of Mr. Dreyer
16 and Mr. Tripp, and I ask you: is it contained in
17 those reports; yes or no, Mr. Katz?

18 A I don't know, sir.

19 Q Why don't you look at them?

20 MR. DREYER: Take a look at page five
21 in the middle of the page.

22 THE COURT: Which report?

23 MR. DREYER: The statement of William
24 Katz.

25 THE COURT: Please read it to yourself,

1 and then answer it.

2 THE WITNESS: Yes, sir, I did tell

3 Mr. Dreyer about it.

4 BY MR. LOMBARDINO:

5 Q Pardon me?

6 A I did tell Mr. Dreyer about it.

7 Q I see. Now, you just read that?

8 A Yes, sir.

9 Q And where does it state that ten thousand dollars was
10 absorbed by Levy, and ten thousand dollars was absorbed
11 by Cooney? Where does it state that?

12 MR. DREYER: Your Honor, those are my
13 notes, again.

14 THE COURT: I realize that, and the
15 jury realizes that.

16 MR. LOMBARDINO: Your Honor, he said
17 that he told it to Mr. Dreyer, and now I challenge him
18 to tell us where he said it.

19 THE COURT: Outside of the challenge,
20 these are Mr. Dreyer's notes, and an interview, and
21 not an exact statement.

22 BY MR. LOMBARDINO:

23 Q Mr. Katz, would it be fair to say that after reading
24 it, that Mr. Dreyer did not put down here that you
25 told him that Levy got a loss of ten thousand dollars,

1 and Cooney lost ten thousand dollars, isn't that fair.
2 Mr. Katz, after looking at that?

3 A Would you restate the question?

4 Q May I please finish my question, Mr. Katz?

5 A You are saying this so loud I can barely understand
6 you.

7 Q I am sorry. And you are so soft that I can't hear you.

8 A We will both have to compromise.

9 Q THE COURT: There is no sense in arguing
10 with each other back and forth. You are here as a
11 lawyer, and he is here as a witness.

12 BY MR. LOMBARDINO:

13 Q Mr. Katz, after looking at that statement, is it fair
14 to say that the statement or the notes do not reflect
15 the fact that ten thousand dollars was lost by Cooney,
16 and ten thousand dollars was lost by Levy; yes or no ?

17 A These notes do not say that.

18 Q And would that be because Mr. Dreyer forgot to put
19 that in there, and Mr. Tripp forgot to put that in
20 there?

21 A I have no idea, sir.

22 Q Could it be that you never told that to Mr. Dreyer and
23 Mr. Tripp, and today is the first time that you are
24 doing it?

25 A No, sir.

* * *

1 happened.

2 MR. RYAN: I know that the cases do say
3 that that is the Government's burden to show that there
4 is no prejudice, and Your Honor took on that burden by
5 the examination in Chamber.

6 But I am particularly urging Your Honor
7 to exercise your discretion.

8 THE COURT: I am not going to do it.

9 MR. RYAN: You are not going to excuse
10 the juror?

11 THE COURT: He has assured me that he
12 will be a fair juror, and I am satisfied that he would
13 be. It has no bearing at all on his judgement. That
14 is my decision.

15 MR. RYAN: I would not expect a juror
16 to say that it would have a bearing, and I am sure --

17 THE COURT: I talked to him, and I did
18 not say that anybody on either particular side had
19 requested the interview. I said that all of the lawyers
20 requested it, and I have handled it as fairly as possible.
21 I have no question at all but that he will be a fair
22 juror.

23 I deny the application.

24 MR. LOMBARDINO: While we are here this
25 morning, has Your Honor come to any conclusion concerning

1 the Grand Jury minutes of this woman, Margaret Boucher?

2 THE COURT: Have you made any
3 decision?

4 MR. DREYER: I am still thinking about
5 the question of whether or not to turn it over.

6 MR. LOMBARDINO: Excuse me, but the
7 reason I ask, Your Honor, is because I see the same
8 analogy that is occurring in this case. The prosecution
9 has stated on their opening that they might not call
10 Andrew Blossbly, and yet he has turned over to myself
11 and other defense lawyers, Andres Blossbly's Grand Jury
12 minutes.

13 I don't know why one should be made
14 fish, and one made fowl. If we get the Grand Jury minutes
15 in regard to Mr. Blossbly, who might not be called, and
16 up until this juncture, it is my understanding, from
17 my colleagues and conversations with Mr. Dreyer --

18 THE COURT: Well, I have not made my
19 ruling, but I have given an indication that my tendency
20 is to grant the request and turn them over.

21 MR. DREYER: Andrew Blossbly, up to the
22 last minute, was considered to be a very important
23 witness in the case, and now we cannot find him. We
24 cannot subpoena him because we don't know where he is.
25 We established that Miss Boucher was missing several

1 weeks ago.

2 THE COURT: I think that she is in a
3 reformatory. One is an informant status, and so forth.

4 MR. DREYER: Mr. Blossbly is still around,
5 hopefully.

6 THE COURT: I do not know how much more
7 time you want.

8 MR. DREYER: The issue is that when
9 Mr. Moscovitz testified that the testimony of Miss
10 Boucher would be important, and I can guarantee that
11 I will make that decision --

12 MR. LOMBARDINO: That may not be so.
13 We have an extremely critical witness in the form of
14 Mr. Katz on the stand. There might be some, and we have
15 not seen these minutes, information that will be critical
16 of the defense in our cross examination, or the continued
17 examination of this witness. Now, when is Mr. Dreyer
18 going to make up his mind, and when the Government rests,
19 after this witness concludes, and after Cammusa concludes?
20 I think that this is somewhat unfair.

21 MR. DREYER: My original statement is
22 that we would make a decision prior to Mr. Moscovitz
23 being called, and I said that I anticipate Mr. Moscovitz
24 being called on Thursday or Friday of this week.

25 MR. RYAN: But this witness, Katz, knew

1 Moscowitz, and I am sure that he knew Meg and Meg's
2 Grand Jury testimony, we ought to know whether or not
3 there is any reference to Katz, and Cammusa, who I
4 understand to be the next witness.

5 MR. LOMBARDINO: Or Roth and Cohen.

6 THE COURT: I am satisfied that we are
7 going to give you everything, and I direct that they
8 be turned over.

9 MR. DREYER: When do you want it, right
10 now?

11 MR. LOMBARDINO: Some time today.

12 MR. LEBETKIN: Before I continue with
13 Katz.

14 MR. DREYER: This will cause a slight
15 delay.

16 THE COURT: I read them quickly, and
17 I will give you twenty minutes to read them.

18 MR. LOMBARDINO: Thank you.

19 MR. RYAN: Thank you.

20 The other problem I have was with
21 respect to Cammusa, and the informant position, and
22 have you made an inquiry?

23 MR. DREYER: Yes, the record should
24 reflect that the United States Attorney's office
25 is taking full responsibility for this statement because,

* * *

1 and I submit that for all of these reasons, it should
2 not be admissible.

3 THE COURT: Mr. Lombardino?

4 MR. LOMBARDINO: Well, we see a position
5 here relative to the white camper. If you reflect on
6 the testimony, the Government witnesses all say that
7 they were privy to a delivery coming into Levy's house.

8 Now, we are suddenly confronted with a
9 statement that was just made by a witness that a white
10 camper came to a particular house in Vermont, and
11 not naming a driver, and not naming where the vehicle
12 came from, and you have to infer from that that there
13 was Marijuana taken out of that truck.

14 I submit to Your Honor that that Marijuana
15 has not been proven substantially by the Government as
16 being part of the conspiracy-in-chief. That Marijuana
17 could have come, if it came at all, from any source.

18 Mr. Katz, himself, said he was a dealer
19 in Marijuana. The point that I am trying to make to
20 Your Honor is this: that the testimony concerning the
21 incident some time in January, in Vermont, is not
22 testimony predicate, Judge, to permit the Government
23 to now say that that was a continuance of the 1974
24 conspiracy, and therefore, we can use the June 1975
25 conversation that took place at the Friar Tuck.

* * *

1 Sand Creek Road?

2 A I was a student.

3 Q And how long have you lived in the Albany area?

4 A Five months.

5 Q Five months. Where were you a student?

6 A Albany College of Pharmacy.

7 Q And how long have you been a student at that college
8 of Pharmacy?

9 A Two years.

10 Q And did there come a time when you lived in the
11 Albany area when you met a man by the name of John
12 Lefebvre?

13 A Yes.

14 Q And do you recall when you first met John Lefebvre?

15 A Yes.

16 Q And when did you meet him?

17 A In February of 1973.

18 Q And do you know when in February of 1973?

19 A Yes. It was the middle of February.

20 Q And how can you recall the date?

21 A It was approximately a week and a half or two weeks --

22 Q Speak up.

23 A It was approximately a week and a half or two weeks
24 before a friend of mine got married.

25 Q Did you continue to see Mr. Lefebvre after that?

* * *

1 A Early November of 1974.

2 Q And where did you go?

3 A To his house in Rexford, New York.

4 Q And who was present when you went to his house in
5 Rexford?

6 A Paul Moscovitz and Meg and I do not know her last name.
7 Boucher, I believe it is; Boucher.

8 Q And when you went to Paul Moscovitz's home did you have
9 a conversation with him?

10 A Yes.

11 Q And what did you say --

12 MR. LOMBARDINO: I object to that
13 conversation. We are talking about Paul Moscovitz,
14 and someone named Meg, whom I believe are not named
15 in the Indictment.

16 MR. DREYER: It is a conspirator unknown
17 to the Grand Jury.

18 MR. LOMBARDINO: That is just a naked
19 statement by Mr. Dreyer.

20 THE COURT: No, I will allow it. I
21 will overrule the objection.

22 MR. LOMBARDINO: Do I understand now that
23 it is the contention of the Prosecution that this woman,
24 Meg, and Moscovitz, are co-conspirators not named?

25 I think that we are entitled to know that.

1 MR. DREYER: That is the basis of the
2 Government's offer. It is an exception to the Hearsay
3 Rule.

4 THE COURT: That is what he said.

5 MR. LOMBARDINO: Then I assume that
6 these are considered as co-conspirators?

7 MR. DREYER: Yes.

8 MR. LOMBARDINO: Thank you.

9 BY MR. DREYER:

10 Q Did there come a time that you went to Moscowitz' home?

11 A Yes.

12 Q And do you recall the conversation with him?

13 A Yes.

14 Q And what did you say to him?

15 A I asked him if there was some way that he could connect
16 me with someone in Arizona that could supply me with
17 Marijuana.

18 Q And what did he say to you?

19 A He said that there would be no problem, that he was a
20 very good friend of Coonis --

21 MR. LOMBARDINO: Did he say Coonis?

22 MR. DREYER: That is what he said: C-O-O-
23 N-I-S.

24 THE WITNESS: And that there should be
25

1 BY MR. DREYER:

2 Q And did that end your conversation with Mr. Moscovitz?

3 A At that time, yes.

4 Q And did there come a time that you saw Moscovitz
5 thereafter?

6 A Approximately a week later.

7 Q And where did you see him?

8 A At his apartment in Rexford.

9 Q And for what purpose did you go to Mr. Moscovitz'
10 apartment?

11 A To find out how he was making out with my request.

12 Q And did you say something to Moscovitz at that time?

13 A I asked him how he was doing.

14 Q And what did he say to you?

15 A He told me that there had been some problem with that --

16 MR. LOMBARDINO: I object.

17 THE COURT: What did he say?

18 BY MR. DREYER:

19 Q What did he say?

20 A That there was a problem, and that he would not be able
21 to put me in contact with Kevin, at the time.

22 Q And did he say anything else?

23 A He said that the problem was that there had been
24 some money confiscated from a driver in Texas.

25 Q And did he tell you how much money?

1

A Approximately thirty-five thousand dollars.

2

Q And that is what you recollect?

3

A That is what he told me.

4

Q After your conversation with Paul Moscovitz, did you have occasion to see Mr. William Katz again?

5

6

A Yes.

7

Q And when did you see Mr. Katz?

8

A On April of 1975.

9

Q And where did you see him?

10

A At his apartment on Catskill Street.

11

Q And did there come a time when you had a conversation with Mr. Katz?

12

13

A Yes, sir.

14

Q And in April of 1975?

15

A Yes.

16

Q And what did you say to him? Do you recall whether you did say anything?

17

18

A We discussed what he had been doing over the winter.

19

Q And did he say something to you?

20

A Yes, he told me he had been living in Vermont, and he had been a ski instructor with Harold Levy.

21

22

Q Did he say anything else?

23

A Not at that time.

24

Q Did there come a time when you met a man by the name of Bruce Kay?

25

* * *

1 A Yes.

2 Q And when did he tell you -- first did he tell you
3 about Tempe, Arizona?

4 A Yes, sir.

5 Q And did he tell you the purpose of him going out to
6 Tempe, Arizona?

7 A Yes, sir.

8 Q And what did he tell you was the reason he went out
9 to Tempe, Arizona?

10 A To purchase Marijuana, sir.

11 Q And if I told you that Mr. Katz denied that on the
12 witness stand, going to Tempe, Arizona to purchase
13 Marijuana, would you say he lied?

14 A To me, sir?

15 Q Would you say he lied, Mr. Cammusa?

16 A To me?

17 Q All right. So that he told you he went to Tempe,
18 Arizona, in order to make his connection to buy
19 Marijuana?

20 A That is what he told me, sir.

21 Q All right. And did he ever tell you that he actually
22 purchased Marijuana from his connection in Tempe,
23 Arizona?

24 A I don't believe that we discussed that, sir.

25 Q Now, yesterday you testified on your direct examination,

* * *

1 Q Did you find that with respect to your relationship
2 with him he was a deceitful person?

3 A Yes, sir.

4 Q Now, you told Mr. Lombardino certain things, this
5 morning, and I ask you to bear in mind, if I am
6 apparently repetitious, and I am defending Mr. Levy;
7 did you know Philip Neyer?

8 A Yes, sir.

9 Q And how long did you know him?

10 A Approximately six months; over two years ago.

11 Q And were you aware, sir, that Mr. Katz and Mr. Neyer
12 had a Marijuana operation going?

13 A Yes, sir.

14 THE COURT: Mr. Lebetkin, I am sure
15 we all want to avoid repetition, and a lot of this
16 was developed by Mr. Lombardino, and I ask you not
17 to be repetitive, or we will be here for days.

18 MR. LEBETKIN: I realize that, but I
19 want to get on to the relationship with respect to
20 Mr. Levy.

21 THE COURT: But don't repeat what he
22 has already told us, unless you want to contradict
23 him on it.

24 BY MR. LEBETKIN:

25 Q What I want to know is: did Mr. Katz tell you that

1 Mr. Levy was involved in that operation?

2 A No, sir.

3 Q And did he tell you that Mr. Katz said to this jury
4 that if he did not -- that he did not know Meyer had
5 any operation going with respect to Marijuana, and
6 if he did was he lying to this jury, in your opinion?

7 A Could you rephrase that statement, or that question?

8 Q All right. If I tell you that Mr. Katz said in sum
9 and substance to this jury that Mr. Katz had no operation
10 going, or dealings with Marijuana, and Mr. Meyer, in
11 your opinion, was he lying to the jury?

12 MR. DREYER: Objection.

13 THE COURT: Sustained. That is for the
14 jury to decide. They heard that, if it was testified to,
15 and you cannot make these witnesses experts on psychiatry,
16 and who is lying and who is telling the truth.

17 BY MR. LEBETAIN:

18 Q Tell me about that operation. Was the Marijuana, to
19 your judgement, brought in by plane, or by train, or by
20 automobile, and I am talking about Meyer and Katz?

21 A By plane, sir.

22 Q Now, to your knowledge, was the origin of that Marijuana
23 in Arizona; in Tempe, Arizona?

24 A Mr. Meyer was living in Arizona, so I believe so.

25 Q All right. And to your knowledge, sir, with respect

1 to at leason one of the trips, was the Marijuana brought
2 from Tempe to Minnesota and then from Minnesota to
3 Albany, New York?

4 A I don't know that, sir.

5 Q Well, to refresh your recollection, you testified in
6 the Grand Jury, sir, did you not?

7 A Yes, I testified in the Grand Jury, I am sorry.

8 Q Do you remember telling this Grand Jury that Mr. Katz
9 said to you that the Marijuana came here from Minnesota?

10 A No, sir, I do not.

11 Q How many trips do you remember Mr. Katz telling you
12 about, or how many Marijuana deliveries did he tell you
13 about that came from Tempe?

14 A Two.

15 Q And was the first one, one hundred pounds?

16 A I believe so.

17 Q And was the second one, ninety-nine pounds?

18 A I believe so.

19 Q And was there a time, also, that you learned that
20 about mid-June of 1975, Mr. Katz and Ellen Kaplan went
21 to New York City with Meyer?

22 A The dates may be close, but I cannot say for sure what
23 the dates were.

24 Q Approximately?

25 A Yes.

1 Q All right. And when you returned from New York City,
2 did Mr. Katz have a hundred pounds of Marijuana with
3 him?

4 A Did you say Katz, or Mr. Neyer, and Ellen Kaplan went
5 to New York?

6 Q Yes, that is good.

7 A No, sir, Mr. Katz and Ellen Kaplan went to New York City.
8 The three of them returned.

9 Q I see. When they left Albany, Neyer was not with them?

10 A That is correct.

11 Q And when they returned from New York City they had
12 one hundred pounds of Marijuana, is that correct?

13 A Yes, sir.

14 Q And at that time they had Neyer with them?

15 A Yes, sir.

16 Q I see, thank you.

17 Well, can you tell now, whether or not
18 there were any other transactions, including this?

19 A No, sir. -- do you mean including Neyer?

20 Q Yes.

21 A No, sir.

22 Q And to your knowledge, sir, did Mr. Katz have any
23 dealings with Harvey Abbott?

24 A Yes, sir.

25 Q Would you please tell us what those dealings were?

* * *

RECROSS EXAMINATION

BY MR. RYAN:

Q When you were interviewed by the agents in February of 1976, didn't you tell the agent that the first time that you ever met Bruce Kay was in June of 1975?

A Yes, sir.

Q And that is the truth, isn't it?

A No, sir.

MR. RYAN: I have no further questions.

THE COURT: Mr. Lebetkin, do you have anything?

RECROSS EXAMINATION

BY MR. LEBETKIN:

Q You told this jury that you had been buying Marijuana from Mr. Katz, is that correct?

A Yes, sir.

Q And Mr. Katz told you that he bought Marijuana from Mr. Levy. You didn't see him buy any Marijuana from Mr. Levy, isn't that correct?

A That is correct, sir.

Q And you told us also that on a number of occasions, Mr. Katz had lied to you, is that correct?

A Yes, sir.

Q And when he told you that Mr. Levy no longer had